

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4930 of 2021**

- Anil Singh, S/o Jaipal Singh, aged about 30 years, R/o Village & Police Post Dindo, Police Station Trikunda, District Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Post Dindo, Police Station Trikunda, District Balarampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant	:	Shri Arun Kumar Shukla, Advocate.
For Non-applicant/State	:	Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****23.08.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 22.03.2021 in connection with Crime No. 20 of 2021 registered at Police Station Trikunda, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 21(C) of Narcotic Drugs & Psychotropic Substance Act, 1985.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The Applicant is in jail since 22.03.2021. Charge-sheet has been filed and the trial against him is not making any progress. Therefore, it is prayed that the bail may be granted to the Applicant.
3. The learned counsel for the State opposes the application and the submission made in this respect. It is submitted that the quantity of the contraband article is commercial quantity. Therefore, the Applicant is not

entitled for grant of bail looking to the restrictions under Section 37 of the NDPS Act, 1985. The application may be rejected.

4. I have heard the learned counsel for the parties and perused the record.
5. As per the prosecution case, on the basis of a confidential information received, the Police personnel of Police Station Trikunda has seized 22 numbers of cough syrup having content of prohibited drugs from the possession of the Applicant total volume of the cough syrup is 2.2 liters. On the basis of which the offence has been registered.
6. Considered on these submissions. There is no weight panchnama regarding the weight of the quantity of syrup. The Notification of Small Quantity and Commercial Quantity mentions the quantity only in weight and there is no formula for converting the volume into weight in the said notification. There is no previous criminal antecedents and It appears that the trial against the Applicant has been pending and it is getting extended due to the pandemic situation, therefore, I am inclined to allow this bail application.
7. Consequently, the application filed by the Applicants under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge