

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4825 of 2021

- Prince Gupta S/o Late Naresh Gupta Aged About 20 Years Occupation- Agriculture, R/o Village Navapara Korhatipara Police Station And Tahsil- Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer Police Station- Ambikapur, District- Surguja, Chhattisgarh

---- Non-applicant

For Applicant : Mr. A.N. Pandey, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 16.06.2021, in connection with Crime No.533/2021, registered at Police Station- Ambikapur, District- Surguja, C.G. for offence punishable under Section 21(C) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 16.06.2021. The offence under Section 21(C) of N.D.P.S. Act is not made out against the applicant. The trial against this applicant is likely to take some time, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of the syrup containing codeine phosphate is 1300 ml. and the tablet Alprasafe containing Alprazolam is in 600 numbers, therefore, the contraband is in commercial quantity. Therefore, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The seizure of 13 bottles of Recharge Cough Syrup out of which 100 ml. having contents of Codeine Phosphate and 600 tablets of Alprasafe having contents of Alprazolam has been seized from the possession of this applicant. There is no weighing Panchnama of the psychotropic substance seized, to make out whether the quantity seized is small or more than small or commercial quantity. Notification for small quantity and commercial quantity shows the quantity only in grams. Hence, for this reason, the submissions made by the applicant counsel appears to have force. Hence, I feel inclined to allow this application.
6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge