

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5251 of 2021**

Krishna Kumar Sahu, S/o. Bhagirathi Sahu, aged about 39 years R/o. Shanti Nagar, Bankimongra, Tahsil/Police Station Katghora, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/08/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.208/2018, registered at Police Station – Kusmunda, Out Post- Hardibazar, District – Korba (C.G.) for the offence punishable under Section 22 (3) of Narcotic Drugs Psychotropic Substance Act read with Section 34 of I.P.C..
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 07.01.2021. Charge-sheet has been filed in this case. All the seizure of psychotropic substance has been made from the co-accused Bhagirathi Sahu, who happens to be the father of this applicant. The medicine seized are proprietary medicine, which were kept in medical shop, which is under the proprietorship of the

wife of this applicant, as she is the licensee under Pharmacy Act, therefore, this applicant has no connection with the offence committed. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the name of this applicant appears in the memorandum statement given by the co-accused Bhagirathi Sahu in which he has stated that shop is being run by this applicant and he is the person, who has stocked the medicine, which contains of psychotropic substance. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the police personnel of Police Station – Kusmunda raided the medical shop styled as Raj Medical Corner. Co-accused Bhagirathi Sahu was found present and from his possession seizure of 90 bottles of Onrex syrup each containing 100 ml, 30 bottles of Onerex syrup each containing 100 ml., 60 Elprazolam tablets of 0.5 mg and 290 packets of Spamsmo Proxyone Plus Tablets, and One Rex 100 ml syrup and Cadoglam of 100 ml, were made. The co-accused has made statement under Section 27 of the Evidence Act and he has also named the applicant as the person responsible for the stocking of medicines contains psychotropic substance.
6. I have heard the learned counsel for the parties.
7. Considered on the submissions. So far as the admissibility of memorandum statement of co-accused is a question, which needs

no answer. Apart from that there is neither any seizure from this applicant nor he happens to be the licensee of medical shop owner, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on this furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram