

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6725 of 2020**

- Sunil Kumar Son Of Jaypal Marpachi Aged About 26 Years
Residence Of Dindo School Para, Police Chouki Dindo, Thana
Trikunda, District Balrampur Ramanujganj (Chhattisgarh)

---- Petitioner**Versus**

- State Of Chhattisgarh Through, Police Chouki Dindo, Police
Station Trikunda, District Balrampur Ramanujganj (Chhattisgarh)

---- Respondent

For Applicant
For Respondent /State

Mr. AK Yadav, Advocate
Mr. Ravish Verma, Government
Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****13/1/2021**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.62/2020 registered at Police Station Trikunda, District Balrampur Ramanujganj (CG) for the offence punishable under Section 21(A) of the NDPS Act, 1985.
3. The applicant was found in illicit possession of 11 bottles of cough syrup containing Codin Phosphate & Tioprodine

Hydrochloride.

4. Learned counsel for the applicant submits that psychotropic substance in the seized contraband is less than the commercial quantity, therefore, the applicant is entitled to be released on regular bail.
5. Learned counsel for the State would submit that not only the psychotropic substance but the neutral substance would also be measured/weighed to determine the quantity of illicit contraband in view of the law laid down by the Supreme Court in the matter of **Hira Singh and Anr. vs. Union of India and Anr.** in CRA No.722/2017.
6. Having considered the rival submissions and having perused the judgment rendered by the Hon'ble Supreme Court in the matter of **Hira Singh (supra)**, it appears, the applicant was found in possession of commercial quantity of contraband, therefore, he is not entitled to be released on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge