

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7429 of 2020

- Aashish Patil S/o Narayan Patil Aged About 19 Years R/o Ward No. 6, Thana- Nawagarh, Distt.- Bemetara, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station- Nawagarh, Distt.- Bemetara, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Samir Singh, Advocate
For Respondent-State	:-	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

07/01/2021

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.216 of 2020, registered at Police Station Nawagarh, Distt. Bemetara C.G., for the offence punishable under Section 22, 8 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').
2. As per the prosecution case, a raid was conducted in the house of main accused Satyam Tiwari and 58 bottles of zylocoff cough syrup each containing 100ml was recovered.

In his memorandum statement Satyam Tiwari revealed that this applicant and another co-accused Ashish Patil and Abhishek Tonde had supplied the cough syrup to him.

3. Learned counsel for the applicant submits that the quantity of psychotropic substance in 58 bottles of cough syrup would be less than commercial quantity, therefore, he is entitled to be released on bail.
4. Learned State counsel would refer to the judgment rendered by the Supreme Court in the matter of **Hira Singh & Anr. vs Union of India & Anr.** in CRA No.722/2017 wherein it has been held that not only psychotropic substance but the neutral substance would also be measured/weighed to determine the quantity of the contraband. According to him, the contraband recovered in this case is more than the commercial quantity, in view of the Section 37 of the Act, the applicant is not entitled to be released on bail.
5. Having heard learned counsel for the parties and particularly considering Section 37 of the Act and the judgment rendered by the Supreme Court in the matter of Hira Singh (Supra), I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is rejected.

SD/-
(Prashant Kumar Mishra)
Judge