

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7583 of 2021**

- Manoj Gupta, S/o Jagdish Prasad Gupta, aged about 45 years, R/o Main Road, Shanti Gali, Surajpur, Thana & Tehsil Surajpur, District Surajpur (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhi Nagar, District Surguja (CG)

---- Non-Applicant

For Applicant : Shri Amit Kumar with Miss Anushree Mishra, Adv.
For Non-Applicant : Shri Gagan Tiwari, Deputy GA.

Hon'ble Shri Prashant Kumar Mishra, Ag CJ**Order On Board****29/09/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.225/2021 registered in Police Station Gandhi Nagar, District Surguja for offence under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. This is the 2nd bail application on behalf of the applicant. Although the first bail application was dismissed with liberty to revive after filing of the charge sheet, but the applicant was found in possession of 240 bottles of ONEREX Cough Syrup, each containing 100 ml liquid, which contains Chlorpheniramine Maleate IP 04 MG psychotropic substance.

3. As held by the Hon'ble Supreme Court in the matter of **Hira Singh and Another Vs. Union of India & Another** {CRA No.722/2017, decided on 22nd April, 2020} {2020 SCC Online SC 382}, not only the actual quantity of psychotropic substance but the entire neutral substance shall also be calculated to determine the commercial quantity of the psychotropic substance. Thus in 240 bottles of cough syrup the applicant was carrying 24000 ml i.e. 24 liters of psychotropic substance, which is more than commercial quantity of 1 liter.
4. Considering the whopping quantity of contraband recovered from the applicant, I am not inclined to release the applicant on bail. Accordingly, the Application is rejected with liberty to revive if the trial is inordinately delayed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

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