

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7366 of 2021

- Anil Kumar Agrawal S/o Ganpat Agrawal, Aged About 50 Years, R/o Ward No. 08, Sarangarh, P.S. Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. City Kotwali Baloda Bazar, District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-09-2021 in connection with Crime No.546/2021 registered at P.S. - City Kotwali Baloda Bazar, District Baloda Bazar, Chhattisgarh for the offence under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 08-09-2021. The applicant is proprietor of Om Medical Store in Sarangarh. There is no legally admissible evidence present against this applicant in the whole investigation. The applicant has been made accused only on the basis of the memorandum statement given by the co-accused persons, that they have purchased the contraband from the medical store of this applicant, which cannot be proved in the Court. Therefore, there is no case present against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the memorandum statement of co-accused Ravi Kumar Joshi is

very clear against this applicant that all the medicines having content of psychotropic substance were purchased from the medical store of this applicant. Further, the evidence of payment transactions made by the co-accused persons in favour of this applicant also show connection of this applicant with the contraband purchased by the co-accused persons. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, the police personnel of P.S. City Kotwali, Baloda Bazaar made seizure of 864 capsules of SPASMO PROXYVON PLUS from the possession of co-accused Vinay Dubey @ Kannu, seizure of 432 numbers of SPASMO PROXYVON PLUS capsules was made from co-accused Kiran Kurre and seizure of 192 numbers of the same medicine was made from another co-accused Ravi Kumar Joshi. Name of this applicant has appeared in the memorandum statement of co-accused Ravi Kumar Joshi regarding purchase of the medicine made from the medical store of this applicant.

6. Considered on the submissions. As it appears that there is no direct seizure of any contraband made from the possession of this applicant and also looking to the evidence that is proposed against this applicant for his prosecution in this case, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge