

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7931 of 2020**

1. Nrupraj Chhattar And Others S/o Budhram Chhattar Aged About 45 Years
2. Birendra Patel S/o Jano Patel Aged About 30 Years
3. Ajit Mirdha S/o Gajadhar Mirdha Aged About 35 Years
4. Rajendra Thapa S/o Pyarelal Thapa Aged About 40 Years

All above R/o Village Jharband, Police Station Jharband, District Bargarh Orissa

---- Petitioner**Versus**

- State Of Chhattisgarh Through SHO Police Station Basna , District Mahasamund Chhattisgarh

---- Respondent**MCRC No. 9161 of 2020**

- Bhagwano Patel S/o Hrusikesh Patel Aged About 22 Years R/o Village Jharband, Police Station Jharband, District Bargarh Orissa

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh

---- Respondent

For Respective Applicants

Mr. Vaibhav Goverdhan, Advocate and
Ms. Ankita Shrivastava, Advocate on
behalf of Mr. Kishore Narayan,

For Respondent /State

Advocate
Mr. Alok Nigam, Government
Advocate

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****3/2/2021**

1. Heard.
2. These are the two applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.448/2020 registered at Police Station Basna, District Mahasamund (CG) for the offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The applicants have been found in illicit possession of 750 bottles of Codeine based cough syrup.
4. In a recent judgment 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], the Hon'ble Supreme Court has held that not only the psychotropic substance but the entire neutral substance would have to be counted for determining the quantity of psychotropic substance.
5. Considering the quantity of cough syrup containing

psychotropic substance, recovered from the applicants, I am not inclined to release the applicants on regular bail.

6. Accordingly, the bail applications are dismissed with liberty to the applicants to revive the prayer at an appropriate stage

Sd/-

(Prashant Kumar Mishra)

Judge

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