

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.8366 of 2020**

- Mohammad Anwar Ansari S/o Late Manaana Ansai, Aged About 35 Years R/o Village Khorma, Police Station Pratappur, District Surajpur Chhattisgarh.

---- Applicant***Versus***

- State Of Chhattisgarh Through - Police Station - Basantpur, Police Outpost - Wadrafnagar, District Balrampur - Ramanujganj Chhattisgarh.

---Non-applicant

For Applicant	:Shri Kishore Narayan, Advocate
For Non-applicant/State	:Shri Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08.01.2021**

1. This is the second bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.44/2020, registered at Police Station Basantpur, Police Out Post Wadrafnagar, Distt. Balrampur Ramanujganj (CG), for offence punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'). First bail application of the applicant was rejected on 24.8.2020.

2. Learned counsel for the applicant submits that 110 bottles of Phencyrex Cough Syrup each containing 100 ml. seized from the applicant are categorically not manufactured drug within the meaning of Section 2(xi) of the NDPS Act, therefore, provisions of the NDPS Act is not at all attracted and the applicant is entitled for bail. He placed reliance in the decisions rendered by Madhya Pradesh High Court in the matters of **Sanjeev Kumar Dwivedi Vs. State of MP** passed in **MCRC No.9720/2015** on 28.3.2016 and **Arvind**

Chandrawanshi Vs. State of MP passed in ***MCRC No.19922/2015*** on 28.4.2016. He also submits that the applicant is in jail since 23.4.2020.

3. On the other hand, learned counsel for the State opposed the bail application.

4. I have heard learned counsel for the parties and considered their rival submission made herein above and went through the record with utmost circumspection.

5. Having heard learned counsel for the parties and having gone through the record available, I do not consider it a fit case for allowing the second bail application. Accordingly, the second bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE