

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8665 of 2020**

- Kishor Sukhwani Son Of Shri Ashok Sukhwani Aged About 32 Years Resident of Behind Bilasa Tal, Dev Nagar Choti Koni, P.S. Koni, District Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Koni, District Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	-	Shri Banhiman Roy, Advocate.
For Respondent	-	Shri Anmol Sharma, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**05/03/2021**

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.163/2020, registered at Police Station Koni, District: Bilaspur (C.G.) for the offence punishable under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. During search on 28-7-2020, the applicant was found in illicit possession of 105 bottles of Chlorpheniramine maleate codeine phosphate syrup each containing 100 ml cough syrup.
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. Considering the huge quantity of psychotropic substance recovered from the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

SD/-

(Prashant Kumar Mishra)

Judge

Amardeep