

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7740 of 2021

1. Ajeet Singh Rathore S/o Ravinandan Singh (Wrongly Mentioned As Ravichandan In the Certified Copy) Aged About 22 Years R/o Q.No. B/42, Ward No.12, I.W.S.S. Colony, Khongapani, Manendragarh, District Koriya Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Manendragarh, District Koriya Chhattisgarh.

---- Respondent

MCRC No. 8066 of 2021

1. Salman Ansari S/o Salauddin Ansari, Aged About 24 Years R/o. Ward No.04, Mouharpara, Manendragarh, District Koriya Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Manendragarh, District Koriya Chhattisgarh

---- Respondent

For Applicants

Mr. Anil Gulati, Advocate

For Respondent /State

Mr. Ajay Kumrani, Panel Lawyer

Order on BoardByHon'ble Shri Justice Goutam Bhaduri7/12/2021

1. Since both the bail applications are arising out of crime No.264/2021 they are being considered and decided by this common order
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C. for grant of bail as they have been arrested in connection with Crime No.264/2021, registered at Police Station Manendragarh, District Koriya, CG, for the offence punishable under Section 22C of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. As per the prosecution case on 28-8-2021 an information received that both the applicants were carrying contraband material. On the basis of the same the police intercepted the applicants and recovered 29 vials of Buprenorphine Hydrochloride Compound injection containing 58 ml. As per Schedule, Entry 169 of the NDPS Act the commercial quantity is 20 grams whereas the contraband recovered from the applicants was more than the commercial quantity.
4. Learned counsel for the applicants would submit that the applicants are innocent and they have been falsely implicated in the crime. Hence, the applicants are entitled to be released on bail.
5. Learned counsel for the State, *per contra*, would oppose the bail applications. He would refer to the decision rendered by

the Hon'ble Supreme Court in *State of Kerala and Others v Rajesh and Others* reported in (2020) 12 SCC 122.

6. Considering the entire facts situation of the case and particularly considering the seizure memo, *prima facie*, it appears that the applicants were carrying the contraband of more than the commercial quantity, I am of the opinion that present is not a fit case to release the applicants on regular bail.
7. Accordingly, both the bail applications are rejected.

Sd/-

(Goutam Bhaduri)
Judge

Gowri