

**(2018) 02 CHH CK 0211**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 7642 Of 2017

Devendra Singh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Feb. 12, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 21(B)

**Hon'ble Judges:** Rajendra Chandra Singh Samant, J

**Bench:** Single Bench

**Advocate:** Jitendra Shrivastava, Vinod Tekam

**Final Decision:** Allowed

**Judgement**

Rajendra Chandra Singh Samant, J

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 14.06.2017 in connection with Crime No.191/2017 registered at P.S. - Gandhi Nagar, District Surguja, (C.G.), for the offence under Section 21-B of the Narcotic Drugs & Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 14.06.2017. Hence, he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. On 14.06.2017 during the patrolling by the P.S. - Gandhi

Nagar, District Surguja (C.G.), the applicant was searched and from his possession 50 numbers of Rexo Gesic Buprenorphine vials containing in total

11.4 mg and 50 numbers of Pentazocine Lactate Injection vials containing 1.5 gram. According to the schedule under the NDPS Act content of both

these injectable medicines are prohibited under the definition of Narcotic Drugs and Psychotropic Substances. Hence, he is not entitled for grant of bail.

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

5. Considered according to the schedule of NDPS Act the contents of the Rexo Gesic Buprenorphine and Pentazocine is below small quantity as prescribed in the schedule of NDPS Act.

6. 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.