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MCRC-25817-2024  
**IN THE HIGH COURT OF MADHYA PRADESH**  
**AT JABALPUR**  
**MCRC No. 25817 of 2024**

*(DILIP KEWAT Vs THE STATE OF MADHYA PRADESH)*

**Dated : 05-07-2024**

*Shri A.P. Shah - Advocate for applicant.*

*Shri Manoj Singh - PL for respondent/State.*

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This is the first bail application filed by the applicants under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.252/2024 registered at Police Station - Vindhyanagar District Singrauli (M.P.) for the offence punishable under Sections 8/21 and 22 of NDPS Act. Applicant is in detention since 01.04.2024.

2. As per the prosecution story, police authority received information from an informant and reached on the spot. During search, police has seized 12 bottles of Codine Onryx Cough Syrup from the possession of applicant. On the basis of aforesaid, Police registered the case against the applicant under the aforesaid Sections.

3. Learned counsel for the applicant has submitted that applicant is in custody since 01.04.2024 and he has not committed any offence. He is innocent. He has been falsely implicated. It is further submitted that no case under the NDPS Act is made out against the present applicant. There is no criminal antecedents of applicant. Trial of the case will take considerable time. In the aforesaid pretext, it is prayed that applicant may be released on bail.

4. On the other hand, learned counsel for the respondent/State has opposed the grant of bail to the applicant and has submitted that 12 bottles of Codine Onryx Cough Syrup has been seized which comes under the commercial quantity. Section 37 of the NDPS Act puts a bar on grant of bail.

Therefore, he has prayed for rejection of bail application.

5. In this case, total 12 bottles of Codine Onryx Cough Syrup has been seized from the present applicant. The quantity of seized narcotics comes within the commercial quantity.

6. Thus, taken into consideration all the facts and circumstances of the case, this Court is not inclined to grant bail to the applicant. Accordingly, this second bail application under Section 439 of Cr.P.C. filed on behalf of the applicant is **dismissed**.

(PRAMOD KUMAR AGRAWAL)  
JUDGE

Prar

