

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 88 of 2016

Arju Sahu @ Sukarwiser, S/o. Siddhanath Sahu, aged about 25 years,
R/o. Village-Adarsh Chowk, Patna, Police Station – Patna, Tahsil –
Baikunthpur, District – Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : the Deputy Director, Food and Drug
Administration, Ambikapur, District – Sarguja (C.G.), Incharge-Korea,
Baikunthpur (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulathi, Advocate

For Respondent : Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.01.2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.nil for the offence punishable under Section 18 (A), 18(C) read with Section 27 (B), 26(A), 28(B) of Drugs and Cosmetic Act, 1980. The first bail application was dismissed on merits on 24.11.2015 and the second bail application was dismissed as withdrawn on 21.12.2015 with liberty to move bail application before the Trial Court.
2. Case of the prosecution, in brief, is that the applicant was arrested for keeping possession of 1571 pieces Sposmo Probio Capsules, 3784 pieces of Spasmoproxyvon Plus Capsules and 18 bottles Corext Syrup Form No.16, without having any legal right to possess the said drug, which were recovered by the Drug Inspector.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that

charge-sheet in this case has been filed and the seizure in this case has already been made and no further evidence is required and the applicant is in jail since 30.09.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking in to the facts that charge-sheet in this case has been filed and the seizure has already been made and no further evidence is required and further considering the fact that the applicant is in jail since 30.09.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge