

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 277 of 2016

1. Sikandar Bhuiya S/o Goverdhan Bhuiya Aged About 20 Years
R/o Gangapur, P.S. Gandhinagar, P.S. Gandhinagar, Distt.
Surguja, Chhattisgarh.
2. Nikhil Nag S/o Joshep Nag Aged About 20 Years R/o Village
Gangapur, P.S. Gandhinagar, Distt. Surguja, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Gandhinagar, Distt. Surguja, Chhattisgarh.

--- Respondent

For the applicant	:	Mrs. Indira Tripathi, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 118 of 2015 registered at P.S. Gandhi Nagar, District Surguja (C.G) for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, the applicants were apprehended on 26.5.2015 and on being searched from the possession of Applicant Sikandar Bhuiya, 10 grams of brown sugar and from the possession of applicant Nikhil Nag 13.36 grams of brown sugar were recovered.
3. Learned counsel for the applicant submits that the seizure witnesses have been examined and they have not supported the case of prosecution. He further submits that the

applicants are in jail since 26.05.2015 and prays for releasing the applicants on bail.

4. Per contra, learned State Counsel opposes the bail application and submits that still the I.O., the main witness is still to be examined.
5. Considering the facts and circumstances of the case especially the fact that the Investigating Officer who is a vital witness to the entire issue is still to be examined, at this stage, it would not be appropriate to evaluate the evidence only on the statements of seizure witnesses. Therefore, I am not inclined to release the applicants on bail. Accordingly, their bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**