

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5346 of 2016

- Ibrahim Khan @ Pintu Khan S/o Abdul Khan Aged About 35 Years
R/o Village - Batwahi (Mudhapara), P.S. - Lundra, District - Surguja
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station - Lundra, District
Surguja Chhattisgarh --- **Respondent**

For the applicant	:	Mr. V. K. Pandey, Advocate
For the Respondent	:	Ms. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 109 of 2015 registered at P.S. Lundra, Distt. Surguja (C.G) for the offence punishable under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 30.09.2015 when the applicant was intercepted by the Police, he was found in possession of 6.06 grams of brown sugar and the same was recovered from him, thereby the offence was committed.
3. Learned counsel for the applicant would submit that this is third bail application and the second bail application was dismissed on 13.01.2016. It is submitted that after rejection of the second bail application, the seizure witnesses Urjit Kumar and Augustus Ekka have been examined and they have not supported the case of prosecution. He further submits that the applicant is in jail since 01.10.2015 and no progress has taken place in this case, therefore, on the

ground of delay the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that both the seizure witnesses have not supported the case of prosecution.
 5. Perused the case diary and the statements of seizure witnesses
 6. Considering the statements of seizure witnesses Urjit Kumar Manikpur and Augustus Ekka wherein they have not supported the case of prosecution, without any further observation on merits of the case, at this stage, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**