

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5340 of 2016

Paramjeet Singh, S/o. Shri Gurmeet Singh, Aged About 46 Years, R/o. Police Station Maango, District Urvi Singh Bhumi Jamshedpur, At Present R/o. At The House Of Gorkha Chandan Patel, Kotra Road, P.S. Kotra Road, Tahsil Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh..

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2016

1. This is the second 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.323/2015 registered at Police Station- Kotra Road, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 15-B of Narcotic Drugs & Psychotropic Substance Act, 1985.
2. As per the prosecution case, when a raid was conducted on 10.11.2015, the applicant was found in possession of 2450 grams of Poppy Straw in his bag and the same was seized from his possession.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed on 14.12.2015 in MCRC No.6773/2015 and the applicant is in jail since more than one year and one of the seizure witness Abhishek

Pandey has turned hostile as he has not supported the case of the prosecution and the other seizure witness is not available, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The statement of one seizure witness namely Abhishek Pandey is placed on record, who has not supported the case of the prosecution. Considering the detention of the applicant as he is in jail since 10.11.2015 and further considering the quantity of the seized contraband article, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge