

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6250 of 2016

Raja Sahu S/o Tularam Sahu Aged About 25 Years R/o Village Bawali, Police Station Pathariya, Tahsil Pathariya, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Respondent

For applicant - Shri Uttam Pandey, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/10/2016

1. This is second bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 27/11/2015 vide M.Cr.C. No.5580/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.232/2015 registered in Police Station Pathariya, District Mungeli (C.G.) for offence punishable under section 20 (B) of N.D.P.S. Act.
3. As per the prosecution case, on 19/09/2015 from the applicant 3 kg of cannabis were recovered in his house. Thereby, offence is committed.
4. Learned counsel for the applicant submits that on 8/02/2016 two seizure witnesses namely Anuj Yadav and Ram Bihari though were present prosecution had given up to examine them and they were main star witnesses who were to be examined on behalf of the prosecution to prove the possession. Subsequently, the case is lingering for evidence and no evidence has turned up and the applicant is in jail since 20/09/2015, therefore the applicant may also be released on bail.
5. Learned State counsel is not able to dispute the fact that order sheet

dated 8/02/2016 which is filed along with the petition shows that Anuj Yadav and Ram Bihari who are the seizure witnesses have been given up by the prosecution.

6. Considering the facts and circumstances of the case and taking into quantity of cannabis which is alleged to only 3 kg and the fact that seizure witnesses have given up by the prosecution, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE