

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6415 of 2016

Mohan Gupta S/o Late Shri Ram Kishun Sao Aged About 32 Years
R/o Village Batwahi, Post Raghunathpur, Police Station Lundra,
District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Lundra, District Surguja, Chhattisgarh.

---- Respondent

For applicant - Shri V.K. Pandey, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/11/2016

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 17/11/2015 vide M.Cr.C. No.6094 of 2015. The second bail application was dismissed as withdrawn on 20/07/2016 vide M.Cr.C. No.3836/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.81/2015 registered in Police Station Lundra, District Surguja (C.G.) for offence punishable under section 22 of the Narcotics Drugs and Psychotropic Substance Act, 1985.
3. As per the prosecution case, on 3/07/2015 on a secret information received that the applicant is involved in the sale of illegal contraband and he is proceeding for sale of the same towards Raghunathpur Bus Stand. Thereafter, the police personnel proceeded and caught the applicant at Raghunathpur Bus Stand and on search found 10.850 grams of brown sugar from the pocket of the applicant.
4. Learned counsel for the applicant submits that seizure witnesses namely Shivram PW-1 and Ashok Kumar Sarthi PW-2 have been examined and they have not supported the case of the prosecution and

I.O. in this case has not turned up from 21/04/2016, five dates have been passed and the applicant is in jail since 3/07/2015, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. It is not in dispute that the seizure witnesses have not supported the case of the prosecution and the IO has not turned up and thereby delay has been caused. Taking into facts and circumstances of the case and also taking into quantity of brown sugar which is 10.850 grams, without further observation on the merits, 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.

Sd/-

(Goutam Bhaduri)

JUDGE