

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1224 of 2017

- Rajju @ Shashikant Tiwari S/o Gangaram Tiwari Aged About 21 Years R/o Nareshpur, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Outpost Basdai, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Anil Gulati, Advocate
For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22--3-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 20-10-2016 in connection with Crime No. 411 of 2016 registered at Outpost Basdal, PS Surajpur, District Surajpur (CG), for the offence punishable under Section 21(B) of Narcotic Drugs and Psychotropic Substance Act.
2. As per prosecution case, on 5-10-2016 on information received that the applicant along with other co-accused was travelling in the car carrying Narcotic drugs, the said car was intercepted, the applicant fled away while other co-accused were arrested with Narcotic drugs. Subsequently, again on 20-10-2016 a raid was conducted, the applicant was intercepted, he was arrested with Narcotic drugs in the car bearing registration No. CG-15-CL-6299 and Relax Cough 14

bottles, Rano Cough syrup 35 bottles and Korex surup 34 bottles were recovered and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, the documents would show that on 5-10-2016 seizure has already been made, but on that date the applicant was not all apprehended. He would further submit that charge-sheet has been filed, the applicant is in jail since 20-10-2016 and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents. In this case seizure was made in presence of witnesses Sanjay Kumar Gupta and Purushottam.
6. Considering the statements of different seizure witnesses from earlier statements of seizure witnesses, it would not be appropriate for this court to draw a different inference from those statements and it is for the trial Court to adjudicate the matter after evaluating the entire evidence and statements of witness. In view of this, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

