NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3521 of 2017

- Ajay Chauhan S/o Ghasiram, Age 21 Years, R/o Ward No. 7, Village Saraypali, Police Station - Saraypali, District- Mahasamund, Chhattisgarh.
- Shiv Prasad Nand S/o Lambodar Nand, Age 35 Years, R/o Ward No. 7, Village Saraypali, Police Station - Saraypali, District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through : Police Station - Saraypali, District- Mahasamund, Chhattisgarh.

… Respondent

For Applicants	:	Shri Sanjay Agrawal, Advocate.
For Respondent-State	:	Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/10/2017

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 04.03.2017 in connection with Crime No.73/2017 registered at Police Station Saraypali, District- Mahasamund, C.G. for the offence punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The allegation is that the applicants were found to be in possession of ESKUF Cough Syrup in 21 boxes and each box consisting of 160 bottles of 100 ml. each.

3. Learned Counsel for Applicants submits that the present Applicants have already remained in custody for a period of more than 7 months and the material witnesses, i.e., seizure witnesses have

already been examined before the trial Court and they have not supported the case of prosecution by turning hostile.

4. Learned State counsel opposing the bail application submits that the quantity of syrup seized from the possession of the accused was huge and therefore they may not be granted bail at this juncture when the trial is proceeding fast.

5. Considering the fact that the material witnesses, i.e., seizure witnesses have already been examined and they have not supported the prosecution case, this Court is of the opinion that prima facie a strong case for grant of bail has been made out by the applicants.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

inder