

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8337 of 2016

Suraj Yadav S/o Gopal Yadav Aged About 25 Years R/o Village
Darripara, Ambikapur, Police Station Ambikapur, District Sarguja,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Gandhi Nagar, District Sarguja, Chhattisgarh.

---- Respondent

For applicant - Shri Jitendra Shrivastava, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/01/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 28/01/2016 vide M.Cr.C. No.292 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.198/2015 registered in Police Station Gandhi Nagar, Dist. Sarguja for offence punishable under section 22-B of the NDPS Act.
3. As per the prosecution case, on 2/10/2015 at about 6.30 am the applicant and other co-accused while were trying to sell brown sugar they were apprehended and from the possession of the applicant 12 gms of brown sugar was seized.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, the seizure witnesses namely Mohd. Wasim Ansari and Rafiq Khan have turned hostile and they have not supported the case of the prosecution, applicant is in jail since

2/10/2015, therefore the applicant may be released on bail.

5. Learned State counsel do not dispute the fact that seizure witnesses namely Mohd. Wasim Ansari and Rafiq Khan have turned hostile and they have not supported the case of the prosecution.

6. Considering the fact that seizure witnesses namely Mohd. Wasim Ansari and Rafiq Khan have turned hostile and they have not supported the case of the prosecution, applicant is in jail since 2/10/2015, without further observation on the merit, 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