

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4190 of 2018**

- Rakesh Agrawal S/o Shyam Lal Agrawal Aged About 35 Years
R/o- Bakhatawar Chowk, Gali No. 3, Rajnandgaon, Tahsil And
District Rajnandgaon, District : Rajnandgaon, Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh through- District Magistrate, Durg,
District- Durg, , Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. T. K. Jha, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25.06.2018**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 526 of 2016 registered at Police Station Purani Bhilai, Distt. Durg (C.G) for the offences punishable under Sections 20(B) & 27(A) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 08.12.2016 certain information was received by the Police about the illegal possession of contraband Ganja, On this, initially a raid was conducted by the Police in the premises of one Rajesh Suryawanshi and on such raid being conducted, 13.5 Kgs., of cannabis was seized from the possession of Rajesh Suryawanshi and other co-accused Purnima Suryawanshi and Sarita. Having enquired the same, it was disclosed that they have purchased it from one Pukhraj of Rajnandgaon.

Therefore, the Police had reached Rajnandgaon where they came to know that Pukhraj came down to Khokha Bhilai. The Police team rushed to Khokha Bhilai whereby they caught hold of Pukhraj and Chaitram with contraband Ganja kept in Maruti Alto Car bearing Regn.no. CG.08 AA 8765 and from the said Car 56.440 Kgs., of Ganja was recovered. Thereafter having enquired the same, Pukhraj and Chaitram have revealed that they have purchased it from one Sandeep Tiwari of Tulsipur. The Police went back to Rajnandgaon and from the room of Sandeep Tiwari wherein applicant Rakesh Agrawal and other accused Bhaurao Songare were present, 13.600 Kgs., of Ganja was recovered.

3. Learned counsel for the applicant submits that the independent witnesses have not supported the case of prosecution and the I.O., has not turned up despite the summons and even after issuance of the arrest warrant. He further submits that the applicant is in jail since 08.12.2016, therefore, looking to the period of custody, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Considering the fact that the I.O., has not turned up despite issuance of arrest warrant and further looking to the period of custody of the applicant as he is stated to be in jail since 08.12.2016, without any further observation on merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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