

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5579 of 2018

Kashmir Singh, S/o. Jogendar Singh, Aged About 62 Years, R/o. Nera Gurudwara Heerapur, Police Station Kabirnagar, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattosgarh, Through- Station House Officer, Police Station Kabirnagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.L.Sahu, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.08.2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.92/2017 registered at Police Station- Kabirnagar, Raipur, District Raipur (C.G) for the offence punishable under Section 18(B) of N.D.P.S. Act. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness.
2. As per the prosecution case, on 22.10.2017 from the possession of the present applicant, total 9.150 Kg of Poppy-straw was recovered.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 04.04.2018 with liberty to repeat the same after examination of the seizure witness and now one of the seizure witness namely Lekhram Sahu & Sandeep Mishra have been examined and they have not supported the

case of the prosecution and the applicant is in jail since 22.10.2017; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that Lekhram Sahu & Sandeep Mishra have been examined who were said to be the seizure witness and they have not supported the case. Taking into fact that the charges have been framed and the quantity of the Poppy-straw and further considering the pre-trial detention, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge