

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6194 of 2018

Amreek Singh, S/o. Late Shri Manga Singh, Aged About 65 Years, R/o. HIG- 529, Veer Savarkar Nagar, Hirapur, P.S. Kabir Nagar, District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Kabir Nagar, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. J.K.Gupta, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.09.2018

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- Kabir Nagar, Raipur, District Raipur (C.G) for the offence punishable under Section 20(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 The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness.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 alongwith other co-accused, 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 Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn on 25.04.2018 with liberty to repeat the same after examination of the seizure witness and now one of the seizure witness namely Lekhram Sahu & Sandeep Mishra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. He further submits that the other co-accused namely Kashmir Singh has already been enlarged on bail by this Court on 28.08.2018 in MCRC No.5579 of 2018 and the case of the present applicant is similar; therefore, he may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused has already been released on bail.
5. Perused the statement of Lekhram Sahu & Sandeep Mishra, which is filed alongwith the bail application and also perused the order dated 28.08.2018 passed in MCRC No.5579 of 2018. Considering the fact that the seizure witness have been examined and they have not supported the case of the prosecution and taking into fact that the charges have been framed and further considering the quantity of the Poppy-straw seized and also taking into the fact that the similarly placed co-accused has already been released on bail, 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