

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 708 of 2019**

- Akash Sahu S/o Ajay Sahu, aged about 23 years, R/o Sonamani Naka Colliery, Chirmiri, Police Station Bada Bazaar, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, through Station House officer, Police Station Devendra Nagar, Civil & Revenue District Raipur (C.G.)

---- Respondent

For Applicant. : Shri Pravin Kumar Tulsyan, Advocate.
 For Respondent. : Shri Vaibhav Goverdhan, P.L. for the State

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/03/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 02.08.2018 in connection with Crime No. 166/2018 registered at Police Station : Devendra Nagar, Raipur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution case, in brief, is that on 02.08.2018 the Assistant Sub Inspector of police station Devendra Nagar, received a secret information that near Pandri Bus Stand three persons were in possession of contraband article cannabis for selling. Thereafter, the police reached the spot and seized 14 kg cannabis from present appellant Akash and

8 kg from another accused i.e. Ravi Pandey. Based on this, FIR was registered against the applicant under Section 20(B) of NDPS Act and he has been arrested.

3. Learned counsel for the applicant submits that the applicant is a student and preparing for competitive examination like PSC and Vyapam and had gone to Raipur in this connection. While the present applicant and other two accused persons were getting down from the bus, the person who were actually in possession of contraband article, fled away from the spot and the present applicant has been arrested by the police. It has been further submitted that seizure witnesses Raja Mahanand (PW/1) and Gurdip Singh Hura (PW/2) both have not supported the seizure and turned hostile. Learned counsel further submits that bail application of other two accused namely Rahul Pandey and Ravi Pandey in MCRC No. 164 of 2019 was allowed by this Court vide order dated 23.01.2019 and they have been released on bail on the same set of evidence. Therefore, the present applicant is also entitled for bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Having heard learned counsel for the parties and having regard to the fact that both the seizure witnesses turned hostile and further considering that co-accused persons have already been granted bail by this Court, this Court is of the opinion that it is a fit case to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

8.

Sd/-
(Rajani Dubey)
JUDGE

Vijay sahu