

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2397 of 2019

- Suresh Ramani S/o Mr. Kishan Chand Ramani, Aged About 50 Years, R/o Near New SBI Ward No. 3, Tilda District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Saraipali, Mahasamund, Chhattisgarh.

---- Respondent

AND

MCRC No. 2710 of 2019

- Mandharam Sachkapur S/o Balchand Sachkapur, Aged About 55 Years (Wrongly typed as Satkapur) R/o Guru Ghasidas Ward, Telibandha Raipur, Tahsil and District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant (in MCRC No. 2397/2019)	: Shri Ankur Agrawal, Advocate.
For Applicant (in MCRC No. 2710/2019)	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/05/2019

Heard.

1. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
2. The Applicants have preferred this first bail application under Section

439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 445/2018, registered at Police Station - Saraipali, District – Mahasamund, Chhattisgarh, for the offence punishable under Section 21 of NDPS Act.

3. As per the prosecution story, on 29.11.2018 on the basis of a secret information received from an informant, police personnel searched one truck bearing registration No. OD-09-F-5384 at Sirpur Check-post and recovered 1600 bottles of Cough Syrup from the said truck. Allegedly, co-accused Dinesh Agrawal @ Dinu and Laxminarayan @ Golu, Vijay Saha and Biranchi Taral were found sitting inside the said truck. Co-accused Dinesh Agrawal @ Dinu and Laxminarayan @ Golu fled away from the spot and from the other two accused persons, bottles of cough syrup have been seized. On being asked by the police officials, they disclosed the fact that said drug is of Applicant (in MCRC No. 2397/2019) Suresh Ramani. Thereafter, police raided medical store from where 5 cartoons containing cough syrup was seized from the possession of Applicant Suresh Ramani. Allegations against the Applicant Mandharam Sachkapur (in MCRC No. 2710/2019) is that, he is the employee who works under Applicant (in MCRC No. 2397/2019) Suresh Ramani and thus, involved in crime in question. Both the Applicants were taken into custody on 29.11.2018.
4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. Learned Counsel appearing on behalf of Applicant (in MCRC No. 2397/2019) Suresh Ramani submits that Applicant is managing the medical shop of his wife in whose favour there is license from the drug department and the drug seized was purchased in a legal manner. He further submits that Applicant Suresh Ramani has no previous antecedent. Learned Counsel appearing on behalf of Applicant (in MCRC No. 2710/2019) Mandharam Sachkapur submits that there is nothing on record on the basis of which any offence can be made out against the Applicant. There is no any direct evidence available on record against the Applicant Mandharam Sachkapur.

Charge-sheet has been filed. Both the Applicants are in custody since 29.11.2018 and trial is likely to take some time. Therefore, Applicants may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that charge-sheet has been filed, Applicants are in custody since 29.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge