

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3618 of 2019**

- Golu @ Laxminarayan Agrawal S/o Nandu Agrawal Aged About 39 Years R/o Village Lahasingha, Police Station and District Balangir, (Odisha).

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/07/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is 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.
2. First bail application was earlier dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet, vide order dated 01.03.2019 passed in MCRC No. 853 of 2019.
3. In this case there are total six accused persons. 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, at that time present Applicant alongwith other co-accused persons namely Dinesh Agrawal @ Dinu and Vijay Saha and Biranchi Taral were found sitting inside the said truck. It is alleged that present

Applicant and co-accused Dinesh Agrawal @ Dinu 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 belongs to co-accused Suresh Ramani. Thereafter, police raided medical store from where 5 cartoons containing cough syrup was seized from the possession of co-accused Suresh Ramani. Applicant has been taken into custody on 03.01.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that present Applicant have no previous criminal antecedent, he is in custody since 03.01.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, Applicant 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 Applicant is in custody since 03.01.2019, charge-sheet has been filed, and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 50,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge