

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4348 of 2019

- Mukesh Sidar S/o Laybano Sidar, Aged About 23 Years, Occupation Vehicle Driver, R/o Village Amurra, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

MCRCA No. 1140 of 2019

- Suman Namdeo @ Suman Patwa S/o Mahesh Patwa, Aged About 24 Years, R/o Village - Bhainapara, Sariya, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station – Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Roop Naik, Advocate (in MCRC No.4348 of 2019),
Shri Sanjay Agrawal, Advocate (in MCRCA No.1140 of 2019).
For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2019

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. MCRC No.4348 of 2019 has been filed by applicant Mukesh Sidar under Section 439 of the Cr.P.C. for grant of regular bail as he has been arrested on 13-04-2019 in connection with Crime No.61/2019 registered at P.S. Sariya, District Raigarh, Chhattisgarh for the offence under Section 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the N.D.P.S. Act').
3. MCRCA No.1140 of 2019 has been filed by applicant Suman Namdeo

@ Suman Patwa under Section 438 of the Cr.P.C. for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.61/2019 registered at P.S. Sariya, District Raigarh, Chhattisgarh for the offence under Section 21, 22 of the N.D.P.S. Act.

4. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant Mukesh Sidar (applicant in MCRC No.4348 of 2019) is in jail since 13-04-2019 and applicant Suman Namdeo @ Suman Patwa (applicant in MCRC No.1140 of 2019) has apprehension of being arrested in this case. The purchaser of the drugs co-accused Raunak Agrawal has expired. Applicant Mukesh Sidar was only employed as a driver of the vehicle which is owned by applicant Suman Namdeo @ Suman Patwa. Applicant Mukesh Sidar was simply working on the instruction of co-accused Raunak Agrawal who had hired the vehicle, therefore, he has no connection with the offence committed. Applicant Suman Namdeo @ Suman Patwa has been arrayed as accused only for the reason that he is owner of the said vehicle, in which the contraband was transported, therefore, he has no involvement in the offence alleged and he has also no connection with the sale of the said contraband. Therefore, it is prayed that both these applications may be allowed.

5. Learned counsel for the State/non-applicant opposes the application submitting that the applicants are very clearly connected with the offence committed, therefore, they are not entitled for grant of bail regular or anticipatory.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the prosecution case, police personnel of P.S. Sariya, District Raigarh stopped a vehicle bearing registration No. C.G.12-R/1902 which was driven by applicant Mukesh Sidar and occupied by one co-accused Raunak Agrawal. On searching the vehicle in total 1864 bottles of cough syrup

were seized by the police. The total volume of the syrup was 186.400 liter and this syrup had content of codeine which is a prohibited drug under the N.D.P.S. Act and the total amount of codeine was found to be 192.8 gram. It is alleged that applicant Suman Namdeo @ Suman Patwa was also present in the said vehicle, but he had made his escape before the raid was conducted. Hence, this case.

8. After considering the material present in the case diary and for the reason that the charge sheet has been filed in this case and there is likelihood that the trial will take some time before its conclusion, I feel inclined to allow both these applications.

9. Accordingly, MCRC No.4348 of 2019 filed by the applicant Mukesh Sidar for grant of regular bail is hereby allowed. It is directed that this applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

10. MCRC No.1140 of 2019 filed by applicant Suman Namdeo @ Suman Patwa for grant of anticipatory bail is also allowed. It is directed that in the event of arrest of this applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil