

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 394 of 2020

1. Vinayak Sahu S/o Nanhu Ram Sahu, Aged About 34 Years
Caste Teli, Occu-Agriculture R/o Ward No.4 Village Sagarapur
P.S. And Tehsil Baikunthpur, District Koriya Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, P.S.
Charcha, District Koriya Chhattisgarh

---- Respondent

For Applicant

Mr. Shakti Raj Sinha, Advocate

For Respondent /State

Mr. Gagan Tiwari. Dy. Govt. Advocate

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

17/7/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.15/2020, registered at Police Station Charcha, District Koriya for offence punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case the concerned police received secret information on 8-2-2020 that three persons are traveling on a motorcycle with whopping quantity of cough syrup having codeine psychotropic substance. The concerned police intercepted the motorcycle at about 17.00 hours near Filter Plant, Bankheta Para. Seeing the police team the applicant jumped out of the motorcycle and ran away whereas co-accused

Milind Kumar Sahu @ Vikky and Krishna Kumar Singh were caught on the spot. The motorcycle has been recovered from co-accused Milind Kumar Sahu @ Vikky whereas 11 bottles of phencyrex cough syrup was recovered from co-accused Krishna Kumar Singh.

3. Learned counsel appearing for the applicant would submit that a false case has been registered against the applicant merely because in an earlier case also he was tried to be implicated in the same manner by showing him to ran away from the place of occurrence and in the said case this Court has allowed anticipatory bail by order dated 1-3-2019 passed in MCRC A No.176 of 2019. Learned counsel would further submit that in another case of similar nature the applicant has already been released on regular bail by order dated 25-6-2018 in MCRC No.3267 of 2018. According to learned counsel, except for the memorandum statement of co-accused no direct evidence is available against the applicant.
4. On the other hand, learned counsel appearing for the State would oppose the bail application.
5. Having heard learned counsel for the parties and having perused the case diary, it appears except for the memorandum statement of co-accused there is no evidence against the applicant. The motorcycle and the illicit cough syrup have been recovered from the co-accused persons. No recovery is to be made from the applicant. It is strange that the police team intercepted the vehicle and allowed the applicant to ran away from the place of occurrence without chasing him or making any effort to catch him while he was fleeing.
6. In view of the above discussion and considering all relevant aspects of the matter, this Court is inclined to release the applicant on anticipatory bail.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required;
- (b) 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 from disclosing such facts to the Court or to any police officer.
- (c) he shall not influence the witnesses during pendency of the trial.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri