

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6461 of 2021

1. Babulal Sagar S/o Late Chatur Sagar, Aged About 40 Years, R/o Village Ward No.11, Bazar Para Saraipali Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Shekh Maksuddin S/o Shekh Tafruddin, Aged About 45 Years, R/o Ward No. 7, Jhilmila, Saraipali, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Applicants

Versus

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

---- Non-applicant

MCRC No. 6466 of 2021

- Ashok Dubey S/o Nandkumar Dubey Aged About 36 Years, Occup. Pump Operator, R/o Village- Ward No. 10 Saraipali, Police Station- Saraipali, District, Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicants – Mr. Sanjay Agrawal, Advocate.

For State/Non-applicant – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

07-10-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications filed under Section 439 of the Cr.P.C by the applicants are their second application before this Court for grant of regular bail. These applicants have been arrested on 04-05-2021 in connection with Crime No.165/2021 registered at P.S. - Saraipali, District- Mahasamund, Chhattisgarh for the offence under Section 21 of Narcotic Drugs and Psychotropic Substances Act.

Previous application of applicants Babulal Sagar and Shekh Maksuddin

(applicants in MCRC No.6461 of 2021), MCRC No.4358 of 2021 was dismissed as withdrawn on 25-06-2021 and earlier bail application of applicant Ashok Dubey (applicant in MCRC No.6466 of 2021), MCRC No.4383 of 2021 was dismissed as withdrawn on 28-06-2021.

3. Learned counsel for applicants in both the applications submits that these applicants are innocent and they have been falsely implicated in this case. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Therefore, there is nothing left in the prosecution against these applicants. Hence, it is prayed that these applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there are other witnesses to be examined who may establish the prosecution case. Therefore, the applications may be rejected.

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

6. According to the prosecution case, 500 numbers of ONREX SYRUP, 600 numbers of Alprasef Tablet were jointly seized from the possession of the applicants in both the applications. Hence, this case.

7. Considered on the submissions. Perused certified copy of the depositions of the witnesses of search and seizure, which have been filed in MCRC No.6461 of 2021 and it is found that these witnesses have not supported the prosecution case, because of which they have been declared hostile by the prosecutor. Hence, looking to this development in the trial, I feel inclined to allow these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them 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 their appearance as and

when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil