

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6546 of 2021**

- Nemu Sahu son of Ghanshyam Sahu, aged about 26 years, resident of Near Durga Chowk, Pandri Police Station Civil Line, Raipur, District Raipur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO Police Station Ganj, District Raipur, Chhattisgarh

-----Non-applicant**WITH****MCRC No. 6637 of 2021**

- Ashish Bhusan Lal son of Kuldeep Lal, aged about 28 years, resident of H/No. C/402, Crindavan Garden, Daldal Sivni, Police Station Pandri, Raipur, District Raipur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO Police Station Ganj, District Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Om Prakash Sahu, Advocate
For Non-applicant/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge*(proceedings through video conferencing)***ORDER****03/09/2021**

1. Heard.
2. These are third bail applications. Second bail applications were withdrawn with liberty to revive the application for grant of bail after examination of seizure witnesses. Applicants have filed these applications under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 231/2020 registered at Police Station Ganj, District Raipur (C.G.) for the

offence punishable under Section 21-B of NDPS Act and Section 25 of Arms Act.

3. Case of the prosecution is, that on 05.12.2020, police received a secret information that three persons are wandering on motor cycle with an intent to sell prohibited drug pills. On the basis of information, police intercepted the applicants along with other co-accused Prakash Banjare and recovered psychotropic substance from their possession. From possession of applicant, Nemu Sahu, 144 number of capsules of Dicyclomine Tramadol Hydrochloride and Acetaminophen SPS-Trancan Plus each weighing 2.931 mg total weight 422.01 mg, were recovered, from the possession of co-accused Ashish Bhushan Lal 200 tablets of Npx Nitrazepam tablets IP Nitrosum 10 and from possession of Prakash Banjare 144 capsules of Tramadol were recovered. Based on the seizure of psychotropic substance, they were arrested on 05.12.2020 in the aforementioned crime.
4. Mr. Om Prakash Sahu, learned counsel for the applicants submits that seizure witnesses have been examined before the Trial court and they have not supported the case of prosecution. They have denied seizure of psychotropic substance from applicants. He further submits that the applicants are in custody since 05.12.2020. Other co-accused Prakash Banjare from whose possession also prohibited 144 capsules were seized has been enlarged on regular bail in MCRC No. 4263/2021 vide order dated 03.08.2021. He also submits that there is no any other criminal antecedents against present applicants, hence, they may be enlarged on bail.
5. Mr. Shrikant Kaushik, learned State counsel, while opposing the submissions made by the learned counsel for the applicants, submits

that huge quantity of psychotropic substance was recovered from their possession, hence, they are not entitled for grant of bail. However, he submits that though seizure witnesses have not supported the case of prosecution but they have admitted their signature in the seizure memo. Upon putting query with regard to criminal antecedents he submits it is not mentioned in case diary.

6. I have heard learned counsel for the respective parties and also perused the documents enclosed along with bail application.
7. Taking into consideration the nature of allegation levelled against present applicants, the fact that they are in jail since 05.12.2020 and also other co-accused, Prakash Banjare, has been enlarged on bail, without commenting anything on merits, I am inclined to allow the bail applications.
8. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.50,000/- each with surety in the like sum to the satisfaction of the Court on the conditions that-

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge