

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6829 of 2021

Patrick Igwebuike, S/o. Ugobike Bauko, Aged About 38 Years, R/o. Nala Sopara, Santacruz, Mumbai, Maharashtra. India.

---- Applicant

Versus

State Of Chhattisgarh, Station House Officer, Police Station Azad Chowk, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Praveen Soni with Mrs. Shital Soni, Advocates

For Respondent : Mr. Adil Minhaz, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.232/2020, registered at Police Station Azad Chowk, Raipur (CG), for the offence punishable under Sections 22(B), 27 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, the police of Police Station Azad Chowk, Raipur, received a secret information at about 15.15 hours on 21-10-2020 to the effect that one person is engaged in selling illicit Narcotic drugs or psychotropic substance near Ashram Tiraha. After taking down the information in the *Rojnamcha Sanha*, *mukhbir* panchnama was prepared; two witnesses were summoned; and two Constables reached the place of occurrence. Seeing the police team the accused started running away who was

chased; cordoned off; and taken into custody on which he disclosed his name as Royden Buthello who was served with notice under Section 50 of the Act and on search, after obtaining his consent, he was found to be possessed of 9 gms. 990 mg. of cocaine (when weighed along with polythene wrap), which was weighed at 9 gms. 240 mg. without polythene wrap. The accused Royden could not produce any documents of his lawful possession of cocaine, therefore, he was arrested and information was sent to the higher officer as required under Section 57 of the Act. In his disclosure statement the applicant informed the police that he ordinarily visits Chhattisgarh and Odisha in connection with his transporting business. During his visits to Raipur he met co-accused Shreyansh Jhabak, Nikita Panchal and Ashish Joshi in a party. Whenever he used to come to Raipur he stays in the house of Shreyansh & Nikita and used to enjoy cocaine by arranging parties. This applicant used to supply cocaine to co-accused Nikita Panchal, Ashish Joshi & Shreyansh and these persons, in turn, sell it to other customers in parties organized at different hotels of Raipur. He further disclosed that he purchased cocaine from his Nigerian friends Patrick Chisom & Patrick Igwebuikwe, the present applicant. In the parties organized at Raipur James, David & Honey also used to attend to whom he was selling cocaine and later on Shreyansh started directly purchasing cocaine from Patrick Chisom. When Patrick Igwebuikwe, the present applicant was arrested his disclosure statement was recorded on 29.10.2020 and as per his memorandum he used to supply cocaine.

3. Learned counsel for the applicant would submit that there is no evidence to connect the present applicant Patrick Igwebuikwe and though there is an allegation of conspiracy and selling the drug in

cattle but no documents have been placed on record to show that there has been any conversation *inter se* between them. He would further submit that there is also lot of discrepancy in the arrest memo and the timing and the identification of the present applicant has not been made, only identification is made on the basis of the facebook profile. Therefore, it is a case of no evidence and the applicant who is in jail since 13 months may be enlarged on bail.

4. Per contra, learned State counsel opposes the argument and submits that the Patrick Chisom and the present applicant were the drug paddler who used to supply the drug to Royden Buthello who in turn used to supply the same to the different consumers. He would submit that they are the basic stock holder of the entire crime, which would be evident from the statement of Ankit Bafna and Harkiran Kaur. Therefore, the applicant may not be enlarged on bail.
5. Perused the earlier bail rejection order of this Court of Royden Buthello dated 29.01.2021 in MCRC No.9035 of 2020 and also considered the statement wherein this Court at para 9 observed as under. The extract of which are reproduced herein below.

“9.It is Royden who brings drugs after having purchased from Patrick Igwebuike & Patrick Chisom from Mumbai & Goa. Even if psychotropic substance recovered from him is of intermediate quantity i.e. more than smaller but less than commercial quantity, the fact that these applicants are the main persons who are running drugs trade in the State of Chhattisgarh, the offence is so serious that they do not deserve to be released on bail.”

6. Further the statement of Ankit Bafna and Harkiran Kaur is also perused, which is recorded under Section 164 which attribute direct allegation of involvement of the present applicant and prima facie

appears in the crime. One of the accused Patrick Chisom is still absconding. Taking into over all evidence, which is available, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok