

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7412 of 2021

1. Kishan Sahu S/o Rajesh Sahu Aged About 20 Years Caste Teli, R/o Village Bartikala (Badka Para), Chowki Wadrafnagar, P.S. Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant

Mr. Amarnath Pandey, Advocate

For Respondent /State

Mr. Ashutosh Mishra, Panel Lawyer

Order on BoardByHon'ble Shri Justice Goutam Bhaduri10/12/2021

1. Heard.
2. The applicant has preferred this second bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.70/2020, registered at Police Station Trikunda, District Balrampur-Ramanujganj (CG), for the offence under Section 21(C) of the NDPS Act and Section 3/181 of the Motor Vehicles Act.
3. The first bail application bearing M.Cr.C.No.8403 of 2020 was dismissed as withdrawn by order dated 18-2-2021.
4. As per the prosecution case, on the raid being conducted on 30-9-2020 from the possession of the applicant 110 bottles of

cough syrup containing substance Chlorpheniramine Maleate & Codeine Phosphate Syrup.

5. Learned counsel for the applicant would submit that the seizure witnesses namely; Shailesh Kumar & Babulal have been examined and they have not supported the prosecution and further document would show that document would show that identification of the goods was made in respect of cannabis, but the seizure was to the cough syrup, therefore, there is serious discrepancy in the case of the prosecution and apart from that the seizure witnesses have turned hostile. Thus, the applicants may be enlarged on bail.
6. Learned counsel for the State, per contra, would oppose the bail application.
7. Considering the entire facts situation of the case, particularly considering the identity panchnama, *prima facie*, it shows that the same was in respect of cannabis whereas the seizure memo shows that it was cough syrup and further considering the fact that the seizure witnesses have turned hostile, I am of the opinion that present is a fit case to release the applicant on regular bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Gowri