

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7558 of 2021**

- Sandeep Kumar Gupta @ Bholu S/o Harish Prasad Gupta Aged About 32 Years
R/o Village Patora, Khaspara, Police Station Lundra, District Sarguja,
Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lundra,
District Sarguja, Chhattisgarh

---- Respondent

For Applicant : Shri Shakti Raj Sinha, Advocate

For Respondents/State : Shri Arijit Tiwari, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****14/12/2021**

1. Heard.
2. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23.11.2020 in connection with Crime No.141/2020 registered at Police Station Lundra, District Sarguja (CG) for the offence punishable under Section 21 (C) of Narcotic Drugs and Psychotropic Substances Act.
3. The First Bail Application bearing M.Cr.C. No.465/2021 was dismissed as withdrawn on 18.03.2021.
4. As per the prosecution case, on 23.11.2020 on a raid being conducted from the

shop of the applicant 34 bottles of Syrup Oneres 100 ML each and 22 Bottles of RC Cough Syrup 100 ML each were seized. Thereby the offence has been committed.

5. Learned counsel for the applicant submits that the seizure witnesses have already been examined namely Jagdish Nagesh and Bande Pradhan and they have not supported the case of the prosecution. He would further submit that the applicant is in jail since 23.11.2020 and no further investigation would be required and six witness are still required to be examined, therefore, it may take some time, therefore, the applicant may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witness have turned hostile.
7. Considering the fact that seizure witness have turned hostile without any observation on merit, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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.

Sd/-

Goutam Bhaduri
Judge

Ashu