

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9544 of 2021

- Sonu Porte S/o Shivbaran Porte, Aged About 30 Years, Occupation Hotel Business R/o Village Banspara (Bariyo), Police Station and Tahsil Rajpur, District- Balrampur- Ramanujanj (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Sadar, Police Station Ambikapur District- Surguja (C.G.)

---- Non-applicant

For Applicant – Shri Rohitashva Singh, Advocate.

For State/Non-applicant – Shri Soumya Rai, Panel Lawyer.

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

17-12-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-03-2021 in connection with Crime No.293/2021 registered at Police Station – Ambikapur, District- Surguja, Chhattisgarh for the offence under Section 21 (B) of N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant, that this is second bail application filed by the applicant. His earlier bail application before this Court, MCRC No.3648 of 2021 was dismissed as withdrawn on 07-07-2021. It is submitted that the applicant has been falsely implicated in this case. One of the co-accused, namely, Simroj Ansari has been granted bail by this Court in MCRC No.5297 of 2021 by order dated 06-09-2021. This applicant is also similarly placed. One of the seizure witness has been examined in the trial and he has not supported the prosecution case. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is another witness of search and trial yet to be examined. Therefore, this applicant may not be granted bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, 11 bottles of cough syrup having content of codeine phosphate which is prohibited under the N.D.P.S. Act were seized from the possession of this applicant, whereas, 10 bottles of cough syrup were seized from the possession of the co-accused. Hence, this case.

6. Considered on the submissions. For the reason that co-accused Simroj Anasari has been granted bail by this Court and this applicant is also similarly placed, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge