



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3112 of 2023

- Sagar Pandey S/o Late Sunil Pandey Aged About 28 Years R/o Shankar Nagar, P.S. Mohan Nagar, Durg, District Durg, C.G.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, District : Durg, Chhattisgarh

---- Respondent

MCRC No. 3424 of 2023

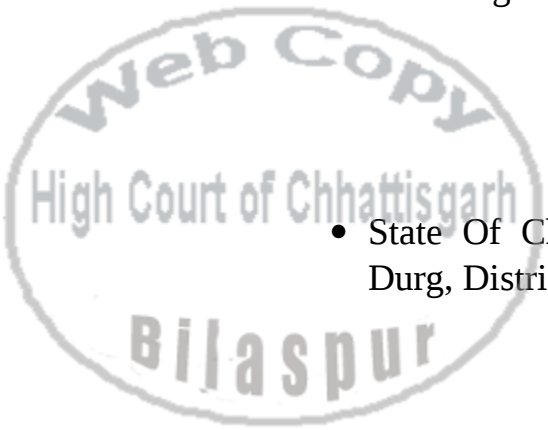
- Shyam Sen S/o Ramkrupal Sen Aged About 52 Years R/o Durga Mandir Ambedkar Chauk Dhamtari Police Station And District- Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer City Kotwali Durg, District- Durg, Chhattisgarh

---- Respondent



For Applicants	:	Shri Hemant Agrawal and Shri Rishabh Gupta, Advocates for the respective applicants
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For Respondents /State	:	Shri Jitendra Pali, Dy. AG along with Shri Praveen Shrivastava, PL
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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12/05/2023

Heard.



1. Since both these bail applications are arising out of the same crime number therefore, they are being heard and decided together by this common order.
2. These are the Third Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 04/09/2021 & 05/09/2021, respectively, in connection with Crime No.798/2021 registered in Police Station City Kotwali, Durg, District Durg (C.G.) for offence punishable under sections 22-B/8, 27-A of Narcotic Drugs and Psychotropic Substance Act.
3. First Bail applications of the applicant Sagar Pandey (bearing M.Cr.C. No. 8811 of 2021) and applicant Shyam Sen (bearing M.Cr.C. No.8436 of 2021) were dismissed as withdrawn on 08/02/2022. Second bail application of applicant Sagar Pandey (bearing M.Cr.C. No.5678 of 2022) was dismissed on 14/07/2022 and second bail application of applicant Shyma Sen (bearing M.Cr.C. No.3972 of 2022) was dismissed on 20/06/2022.
4. As per the prosecution case, on a raid being conducted by the Police on 04.09.2021, 60,000 tablets of Alprazolam IP Aldix-0.5 which contain narcotic substance were recovered from the present applicant and 90,000 tablets were recovered from co-accused Surendra @Appu. On enquiry being made, the applicant and co-accused have revealed that they have purchased these tablets from accused Shyam Sen.
5. Learned counsel for the applicants submit that both the seizure witnesses have turned hostile and out of 20 witnesses 11 witnesses have already been examined, therefore, the applicants may be released on





bail otherwise they would be facing trial unnecessary.

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 witnesses have turned hostile.
7. Having considered the fact that the seizure witnesses have turned hostile, without further observation on merits, I am inclined to release the applicants on bail.
8. Accordingly, both the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

