

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 405 of 2018**

Mohd. Ishrafil, S/o. Abdul Rauf, Aged about 39 years, R/o. Bazar Para, Patna, District Korea, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police of Police Station Patna, District Korea, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/01/2018**

1. Present is a repeat bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 129/2017 registered at Police Station Patna, District Korea, Chhattisgarh for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act.
2. The earlier bail application was dismissed as withdrawn with liberty to revive after the material witnesses are examined.
3. Counsel for the applicant while filing the repeat bail application submits that during the course of the trial, the seizure witnesses have now been examined and all the seizure witnesses have turned hostile and have not supported the case of the prosecution and thus prayed for the applicant to be released on bail. He further submits that even otherwise the quantity of contraband seized is 2.250 kg of

ganja and that the present applicant has already remained in custody for a period of about 7 months and considering the period of custody also, he should be granted bail.

4. The State counsel, however opposes the bail application.
5. Having considered the facts and circumstances of the case, particularly taking note of the fact that the seizure witnesses have turned hostile and also the applicant has already remained in custody for a period of 7 months and the total contraband also being 2.250 kg, this Court is of the opinion that prima facie a fit case has been made out for grant of bail. Accordingly, the present application for grant of bail is allowed.
6. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge