

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1627 of 2018

Mohd. Ziyaul Haq S/o Mohd. Hafiz, aged about 29 years R/o Near KGN watch Centre, Kalibadi Chowk, Raipur, District- Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station City Kotwali, Raipur, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Syed Imtiaz Ali, Advocate
For Respondent	:	Ms. M. Asha, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

25/04/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 295/2017 registered at Police Station- City Kotwali, Raipur, District- Raipur (C.G.) for the offence punishable under Section 20 (b) of the NDPS, Act 1985.
2. As per the prosecution story on receiving a secret information by the Police of City Kotwali, Raipur on 12/09/2017, the applicant was searched and was found in possession of 8.5 Kg Ganga. Offence was registered and the applicant was arrested on 12/09/2017.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocence and has been falsely implicated in the present case. He further submits that the Ganja so seized does not come under the commercial quantity and the seizure witnesses namely Yogesh Tandi (PW1) and Pawan Bagh (PW2), who was examined,

have turned hostile. He further submits the applicant is in custody since 12/09/2017, therefore, the applicant may be enlarged on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the seizure witnesses have turned hostile, the applicant is in custody since 12/09/2017 and the trial will likely to take some time, without further commenting on merits of the case, this court is inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1627/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel