

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 922 of 2019

Nazma Khan W/o Hamid Khan, Aged About 52 Years, R/o Shitala Para, Ward No. 7, Police Station- Bhilai- 03 District- Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Raipur, Tahsil and District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Ms. Smita Jha, Advocate.
For Respondent	:	Mr. Rahim Ubwani, P.L.

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

21/02/2019

1. Heard on application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.190/2018, registered at Police-Station- Kotwali, District- Raipur (C.G.) for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act. This is the second application of the applicant before this Court. The first application filed before this Court by the applicant for grant of regular bail was dismissed as withdrawn.
2. Learned counsel for the applicant submits that applicant is in jail since 10.06.2018. The witnesses of search and seizure have been examined before the trial Court who have not supported the prosecution case. The trial against the applicant is delayed. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the application.
4. Heard Learned counsel for the parties and perused the case diary.
5. On a search made by the police personnel of Police Station- Kotwali, Raipur, a seizure of 130 gm brown sugar was made from the possession of this applicant. Hence, this case.
6. Perused the certified copy of deposition of the independent witnesses filed along with the application. The independent witnesses have not supported the prosecution. Hence, after due consideration and also considering the delay in trial, I feel inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge