

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 538 of 2020**

- Muzaffar Hussain S/o Jafar Hussain Aged About 30 Years R/o Bazar Para, P. S. And Tahsil Pratappur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant**Versus**

- The State of Chhattisgarh Through Police Out Post- Basdeyi, Station House Officer, Police Station- Pratappur, District- Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. A. K. Prasad, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 170/2019 registered at Police Station- Pratappur, District- Surajpur, (C.G.) for the offence punishable under Section 21 (C) of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 12.11.2019 police personnel searched and seized 720 bottles of Phencyres Cough Syrup from the Motorcycle bearing registration No. CG-15-CZ-6661 of the present applicant and 470 bottles of Oneraey company Phencyres Cough Syrup from the Motorcycle bearing registration No. CG-15-DB-9291 of the other co-accused person. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime in question. He further submits that other co-accused has been granted bail in MCRC No. 141/2020 vide order dated 04.02.2020. The applicant is in jail since 12.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and further considering the facts that other co-accused has been granted bail in MCRC No. 141/2020 vide order dated 04.02.2020. The applicant is in jail since 12.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge