

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 734 of 2020

- Shaukat Ali S/o Khushbuddin Aged About 34 Years Resident Of Village Pongro, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Anil Gulati, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

04/08/2020

1. The matter is heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 36/2020 registered at Police Station Kansabel, District – Jashpur, (C.G.) for the offence punishable under Section 21(C) of NDPS Act.
3. According to the case of the prosecution, on 24.4.2020 on the basis of the information received from the informant, police officials searched the house of the co-accused Shiv Shankar Bhagat and seized 228 litres of cough syrup containing codeine phosphate from his possession. They also seized one Bullet Motorcycle bearing registration No. C.G.04 LL 1767 which allegedly, belongs to the

present applicant. It is further alleged that the above seized cough syrup specifically belongs to the present applicant and he has kept the same in the house of the co-accused Shiv Shankar Bhagat. On the basis of the above background, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case only on the basis of the statement of the co-accused Shiv Shankar. He further submits that the alleged motorcycle bearing registration No. C.G. 04 LL 1767 does not belong to present applicant as the owner of the said vehicle is one Shahrukh Firdosi. It is further submitted that there is no direct evidence against applicant. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that there is no direct evidence against applicant and he has been implicated only on the basis of the statement of the co-accused Shiv Shankar, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge