

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3725 of 2020**

- Parvej Ahmad S/o Riyaz Ahmad, aged about 38 years, R/o M.L.A. Nagar, Baikunthpur, Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.07.2020**

1. Heard on admission.
2. Admit.
3. The applicant has filed this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 187/2019 registered at Police Station :Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 21 (C) of NDPS Act.
4. First bail application of the applicant was dismissed as withdrawn by this Hon'ble Court on 08.11.2019 passed in MCRC No. 6575/2019 and a liberty was given to the applicant to revive the case after examination of material witnesses.
5. According to the prosecution story, after receiving a secret information from the informant, police personnel searched

and seized 50 bottles of Onrex, Ltutex- T and Rexcough Syrup from the possession of applicant. Based on that offence has been registered against the applicant and he was arrested.

6. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A/3, counsel for the applicant would further submit that the memorandum and seizure witnesses have been examined before the trial Court and both of them have not supported the prosecution case. He next contended that the applicant is in custody since 12.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions imposed upon him, therefore, he may be released on bail.
7. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, nature and gravity of the offence, detention period of the applicant and particularly the statement of the prosecution witnesses who have not supported the prosecution before the trial Court, as the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
10. Accordingly, the bail application is allowed.
11. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Rajani Dubey)
Judge**