

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 690 of 2021

- Aftab Mohammad @ Chunnu S/o Nabi Mohammad Aged About 24 Years R/o Nearby Podi Ground, Police Station Podi, District Koriya (C.G.) (Wrongly Mentioned As Poudi).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Podi, District - Koriya (C.G.).

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent-State	:	Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

18.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 27.11.2020 in connection with Crime No. 148/2020 registered at Police Station Podi, District Koriya (C.G.) for offence punishable under Sections 21(क), 22(B) of Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. Trial has commenced in which the material witnesses namely Aftab Khan and Rana Mukharji in search and seizure have been examined and they have not supported the prosecution case in any manner. The Applicant is in jail since 27.11.2020, trial is yet to be concluded. It is therefore prayed that the bail may be granted to the Applicant.
3. The learned counsel for the State opposes the application and submitted that the huge quantity of Psychotropic Substance has been seized from the possession of the Applicant therefore, Applicant is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the record.
5. According to the prosecution case, the Police Personnel of Police Station Podi, District Koriya (C.G.) stopped the Applicant when he was traveling on his motor cycle and from his possession 5 numbers of REXOGESIC injection, 5 number of AVIL Injection, and other injections alongwith 410 mg of brown sugar were seized, hence case registered against him.
6. Considered on the submissions and perused the certified copy of the deposition of the witnesses of search and seizure. It is found that the witnesses have not supported the prosecution case, therefore, the prosecutor declared them as hostile witnesses. Looking to this development of the case, I am inclined to allow this bail application.
7. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Hem