

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2231 of 2021

- Rohit Ahuja (wrongly mentioned as Rohij Ahuja) S/o Late Shri Kanhaiyalal Ahuja, 21 years R/o Khanbada, Sarkanda, Bilaspur, Distt. Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through P.S. City Kotwali, Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Prafull N. Bharat, Senior Adv. along with Shri Akshay Chouhan, Advocate.
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate

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

28/06/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 255/2020 registered at Police Station City Kotwali, Raipur (C.G.) for the offence punishable under Sections 22 (C), 25, 27 and 29 of the Narcotics Drugs and Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. There is no evidence of recovery and seizure from this applicant. There is also no evidence for conspiring to commit offence or providing facilities for consumption of narcotic and psychotropic substance. This applicant has been made accused only on the basis of memorandum statement given by the co-accused and

also for the reasons that his name was reflected in the call details of mobile phone of one of the co-accused person. It is further submitted that one of the co-accused namely Gourav Shukla whose bail application was refused by this Court, had approached to the Supreme Court and by order dated 04/05/2021 passed in Special Leave to Appeal (Crl.) No. 2306/2021 he has been granted bail. Subsequent to that, the coordinate bench of this high Court, referring to the order of the Supreme Court, has granted bail to another co-accused Abdul Ajim by order dated 12/05/2021 passed in MCRC No. 1939/2021. Therefore, he prays that the present applicant may also be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submissions of the counsel for the applicant. It is submitted that there is clear memorandum statement of co-accused Abhishek Shukla that he used to provide contraband to this applicant for the purpose to sell the same to the customers, therefore, this applicant is part and parcel of the whole racket. It is further submitted that there is also a statement of other witness recorded under Section 161 of the Cr.P.C who have named this applicant as a member of drug supplier racket, therefore, this applicant is not entitled to get bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, the police personnels of Police Kotwali, Raipur conducted a raid in which 7 grams of cocaine was seized from co-accused Shreyansh Jhabak and 10 grams of cocaine was seized from co-accused Vikash Banchor. On the basis of disclosure statements given by these co-accused persons, 93.610 grams of

narcotic substance was seized from the possession of co-accused Abhishek Shukla who is a key person in the drug racket and used to supply the drugs to this applicant and other co-accused persons for vending of the drugs.

6. Considered on the submissions. Taking into consideration that the applicant is in jail since 08/10/2020, charge-sheet has been filed, similarly place co-accused persons namely Gourav and Abdul Ajim have been benefited with grant of bail and trail is likely to take some time, for these reasons, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge