

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2956 of 2021**

- Mohammad Minhaz, S/o Fazal Hussain Memon, aged about 26 years, R/o C-98, Phase-II (wrongly mentioned as Phase-I in the bail rejection order of the Hon'ble High Court), Rajkishore Nagar, P.S. Sarkanda, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station City Kotwali, Raipur, District Raipur (C.G.)

---- Respondent**And****MCRC No. 4650 of 2021**

- Abhishek Shukla S/o Dr. Shashikant Shukla, aged about 24 years, resident of Yadunandan Nagar, Tifra, Bilaspur, Tahsil-Bilaspur, District – Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station City Kotwali, Raipur, District Raipur (C.G.)

---- Respondent

For Applicants	:	Mr. Jitendra Shrivastava, Advocate in MCRC No.2956/2021 and Mr. Vikas Pandey, Advocate in MCRC No.4650/2021
For Respondent	:	Mr. Ravish Verma, G.A. with Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/08/2021**

1. Proceeding through video conferencing.
2. Since the aforesaid bail applications arise out of the same crime number, they are being heard and decided by this

common order.

3. The applicant Mohammad Minhaz has preferred second bail application (MCRC No.2956/2021), whereas applicant Abhishek Shukla has preferred first bail application (MCRC No.4650/2021) under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.255/2020, registered at Police Station - City Kotwali, Raipur (C.G.) for the offence punishable under Sections 22(c), 29, 25 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
4. The prosecution story, in brief, is that the police, acting on a tip-off, on 30.09.2020 intercepted co-accused persons namely Shreyansh Jhabak and Vikas Banchore and seized 7 grams and 10 grams cocaine from their possession respectively. Memorandum statements of co-accused persons were recorded, based on which, the present applicants have been arrested, offence has been registered against them and have been taken into custody on 14.10.2020 and 08.10.2020.
5. Earlier bail application filed on behalf of applicant Mohammad Minhaz in MCRC No.2956/2021 has been dismissed as withdrawn.
6. Learned counsel for the applicant in MCRC No.2956/2021 submits that the applicant is innocent and has been falsely implicated in the case. He further submits that nothing has been seized from the present applicant and the trial Court has also recorded this fact in its bail rejection order dated 28.04.2021. He also submits that similarly situated

applicants in MCRC Nos.1939/2021 and 2231/2021 have already been granted regular bail by this Court vide order dated 12.05.2021 and 28.06.2021 respectively, therefore, the present applicant may also be granted bail. It is next submitted that the applicant is in custody since 14.10.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future.

7. Learned counsel for the applicant in MCRC No.4650/2021 submits that though contraband article alleged to have been seized from the applicant, but the witnesses to seizure namely Prakash Harpal (PW/1), Shiva Mudaliyar (PW/2) and Kewal Barmeda (PW/3) have not supported the case of prosecution and turned hostile. He also submits that the as applicant is in custody since 08.10.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, therefore, he may be granted regular bail.
8. On the other hand, learned counsel for the State opposing the bail applications submits that the applicants and other co-accused persons are drug peddler and run an international drug racket.
9. I have heard learned counsel for the parties and perused the record.
10. As regards applicant Mohammad Minhaz in MCRC No.2956/2021, having considered the orders passed by this Court in MCRC Nos.1939/2021 and 2231/2021 and looking to the nature of allegation against the applicant, which is similar to that of the co-accused persons in these bail applicants,

this Court is inclined to released the applicant on anticipatory bail.

11. As regards applicant Abhishek Shukla, considering the totality of the facts and circumstances of the case, and further considering the fact that seizure witnesses have not supported the case of the prosecution and turned hostile, without further commenting on merits of the case, I am inclined to release him on bail.
12. Accordingly, the bail applications are allowed.
13. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge