

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5046 of 2021**

Yasin Ali S/o Sharafat Ali Aged About 28 Years R/o Black No.14, Room No. 9 Irani Dera, BSUP Colony Police Station Pandari, Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Pandari Raipur, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Dheerendra Pandey, Advocate.
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.2 of 2021, registered at Police Station – Pandari, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 20(b) & 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.1.2021 and has been falsely implicated in this case. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case, therefore, there is nothing left in this case against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the contraband seized from the possession of this applicant is more than small quantity and further, the applicant has a criminal history of 8 cases under the provisions of Indian Penal Code, 1 case under the provisions of Arms Act and 1 case of NDPS Act. Hence, for these reasons, he is not entitled for grant of bail.

4. In reply, learned counsel for the applicant submits that in most of the previous cases, the trial has been completed and the applicant was on bail at the time he was arrested. Hence, it is prayed that the applicant be enlarged on bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, 5 kg of ganja and 335 gm of charas were seized from the possession of this applicant. Hence, this case.

6. Considered on the submissions. On perusal of the certified copy of the deposition of the seizure witnesses filed, it is found that the witnesses have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge