

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5080 of 2021

- Ismail Khan, S/o Saleem, Aged About 32 Years, R/o Gole Chowk, Kabir Nagar, Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Komakhan, Mahasamund, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu & Mr. Vikash Pradhan, Advocate.
For State/respondent	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/08/2021

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.87/2019 registered at Police-Station-Komakhan, Mahasamund, District-Mahasamund, Chhattisgarh for the offence punishable under Sections 20-B of Narcotics Drugs and Psychotropic Substances Act, 1985.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 29.05.2019. The co-accused in this case Vikrant has been granted bail by this Court in MCRC No.4069/2021 vide order dated 13.7.2021. The

applicant is also similarly placed. The witnesses of search and seizure have turned hostile, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that huge quantity of contraband seized from the possession of this applicant and the co-accused is more than commercial quantity, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police has made seizure of 120kg ganja the narcotic substance from the possession of this applicant. Hence, this case.
6. Considered on the submissions. Perused the certified copy of deposition of the witnesses of search and seizure, which has been filed along with the application, these witnesses have not supported the prosecution case in any manner and on the same ground the co-accused has been granted bail by this Court, for these reasons, I feel inclined to allow the application of this applicant.
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

Nisha