

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5468 of 2021**

Sheikh Sahil S/o Gaffar Sheikh Aged About 20 Years R/o Infront Of Samvet Shikhar, Rajbandha Maidan, Police Station- Moudahapara, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Moudahapara, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Kishore Narayan, 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 second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 350 of 2021 dated 15.6.2021. The applicant has been arrested in connection with Crime No.99 of 2020, registered at Police Station – Moudahapara, District – Raipur, Chhattisgarh for the offence punishable under Section 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 1.10.2020 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 firstly, the case against the applicant is regarding possession of commercial quantity of psychotropic substance and secondly, the applicant has a criminal history of 7 cases under the provisions of Indian Penal Code, 1 case under the provisions of Arms Act and 1 case of Chhattisgarh Excise Act. Hence, for these reasons, he is not entitled for grant of bail.

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

5. According to the prosecution case, 1500 tablets of Nitrazepam weighing 840 gm 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