

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5414 of 2021

- Vijay Purushwani S/o Mohanlal Purushwani, aged about 28 years, R/o Virsavarkar Nagar, Thana Kabir Nagar, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhura, District Gariyaband (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent/State	:	Ms. Smriti Shrivastava, PL

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

26/08/2021

Heard.

1. This is the *Second* 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. 157/2020 registered at Police Station Chhura, District Gariyaband (C.G.) for the offence punishable under Section 21-B of the Narcotic Drugs & Psychotropic Substance Act.
2. First bail application of this applicant was dismissed as withdrawn with liberty to revive the same after examination of the seizure witnesses vide order dated 30/06/2021 passed in MCRC No. 2773/2021.
3. It is submitted that the applicant is innocent who has been falsely implicated in this case. The witnesses of search and seizure have been examined in trial and they have not supported the case of the

prosecution. It is further submitted that the applicant is in jail since 23/10/2020, charge-sheet has been filed and trial is likely to take some time, therefore, prayer is made to release the applicant on bail.

4. Per contra, learned State counsel opposes the bail application and submits that 62.5 kg of Ganga have been seized from the possession of the applicant which is more than commercial quantity, therefore, the bail application may be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, a seizure of 62.5 Kg of Ganga was made from the possession of this applicant. Hence, this bail application.
7. Taking into consideration the certified copy of the depositions of the witnesses of search and seizure which is filed along with the bail application, which shows that the witnesses of search and seizure have turned hostile and have not supported the case of the prosecution. Looking to this development occurred in the present case, I feel inclined to allow this bail application and release the applicant on bail.
8. 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

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.881 of 2021

- Vijay Purushwani S/o Mohanlal Purushwani Aged About 28 Years
Resident Of Virsavarkar Nagar Thana Kabir Nagar, District Raipur
Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Chhura, District Gariyaband Chhattisgarh

---- Respondent

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Office Reference

02-09-2021

1. This is an office reference put up before this Court for the reason that the incorrect description of the provision under N.D.P.S. Act has been made in the order dated 26.08.2021 in M.Cr.C. No.5414/2021.
2. Perused the order in M.Cr.C. No.5414/2021 and the record of the same, it is found that a clerical error has been committed in mentioning the offence, therefore, the prayer for modification is allowed. It is ordered that the mention of offence in the paragraph No.1 of the order, which is written as Section 21-B of the N.D.P.S. Act shall now be read as Section 20-B of N.D.P.S. Act hereinafter.
3. Copy of this order may be made a part of M.Cr.C. No.5414/2021.
4. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge