

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6441 of 2021

- Chhotu @ Mohammad Usaid, S/o Hakim Mohammad Abbas, Aged About 35 Years, Caste Mohemmedan, R/o -Navagarh, Police Station and Tahsil- Ambikapur, District- Sarguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Kotwali, Ambikapur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Soumitra Kesharwani, Advocate.
For State/respondent	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/09/2021

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.3141 of 2021 vide order dated 14.7.2021 was dismissed as withdrawn.
2. This 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.804/2020 registered at Police-Station- Ambikapur, District-Sarguja(C.G.) for the

offence punishable under Sections 21(C) of NDPS Act.

3. 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 18.11.2020. The witnesses of search and seizure have been examined in the trial and they have not been supported the prosecution case. Further, one of the co-accused namely-Shivshankar Prasad Baranwal @ Pappu has been granted bail by this Court vide order dated 21.6.2021 in MCRC No.896/2021, therefore, this applicant is also entitled for grant of bail his application may be allowed.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that it is a case of seizure of commercial quantity psychotropic substance from the possession of this applicant, therefore, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Spasmo Proxyvon Plus capsules in 2880 numbers and Alfasaf 0.5 mg capsules in 15000 numbers were seized from the possession of this applicant. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the deposition of the witnesses of search and seizure, who have clearly not supported the prosecution case by which they have been declared hostile. Looking to this development in the trial against this applicant, I feel inclined to allow the application of this applicant.
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

Nisha