

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6632 of 2021

Sajjad Hussain @ Shazaad Hussain, S/o Abdul Sattar @ Sattar Hussain, Aged About 26 Years, R/o Village Rogbahar, Police Station -Bagbahar, District-Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through S.H.O. of the Police Station- Lailunga, Tahsil Gharghoda and District- Raigarh, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Abhishek Saraf, Advocate.
For State	: Mr. Roshan Dubey, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17/09/2021

Heard.

1. First bail application of applicant was dismissed as withdrawn.
2. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.159/2020, registered at Police Station -Lailunga, Tahsil Gharghoda, District- Raigarh, (C.G.), for commission of offence punishable under Section 21 (B) of the NDPS Act.
3. Case of the prosecution in brief is that on 28.07.2020 on the basis of secret information, Police intercepted one motorcycle on which applicant was travelling alongwith co-accused Saddam Hussain, seized 50 bottles of R.C. cough syrup each containing 100 ml from possession of Saddam Hussain. Based on seizure, aforementioned offence has been registered against applicant and co-accused Saddam Hussain.
4. Learned counsel for the applicant submits that seizure of psychotropic substance is from possession of Saddam Hussain and not from present applicant. The Police has seized motorcycle from possession of applicant. Co-accused Saddam Hussain has been enlarged on bail by Co-ordinate Bench of this Court vide order dated 02.07.2021 (Annexure A-3). Hence, applicant may also be released on bail.

5. Learned State Counsel opposes the submissions made by learned counsel for the applicant. However, he do not dispute submission with regard to seizure of psychotropic substance from possession of Saddam Hussain and grant of bail to him.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, role of applicant in instance crime, period of pre-trial detention since 28.07.2020 and released of co-accused Saddam Hussain on bail, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-