

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7071 of 2021**

Vikas Banchhor, S/o. Surendra Banchhor, aged about 41 years, R/o. Near Ram Darbar, Kota, Police Station- Saraswati Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police of Police Station- City Kotwali, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/10/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.255/2020, registered at Police Station – City Kotwali, Raipur, District Raipur (C.G.) for the offence punishable under Section 20-C, 29, 25 & 27 of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 30.09.2020. The witnesses of search, seizure and weightment have been examined and they have not supported the prosecution case. Similarly placed co-accused persons namely Mohd. Minhaz and

Abhishek Shukla have been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C. No. 2956 and 4650 of 2021 vide order dated 16.08.2021 and the case of the applicant is also similar. Hence, it is prayed that the applicant may be released 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 this applicant and other co-accused persons are the part of the drug racket, which has connection with the drug suppliers sitting in Bombay and Goa. Therefore, the offence committed has magnanimity, which can not be ignored. Apart from this applicant, foreign national are also involved, hence, the present application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident a raid was conducted by the police and seizure of 10 grams Cocaine was made from the possession of this applicant. Similarly seizure of other contraband has been made from the co-accused persons. Hence, this case.
6. Considered on the submissions and also perused the certified copy of the deposition of the search and seizure witnesses, which is filed along with the bail application and it is found that they have not supported the prosecution case. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram