

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6899 of 2020**

- Mohd. Kutubuddin S/o late Mohd. Aged about 44 years, R/o Mominpura Parradand, District Surguja (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent	:	Shri Samir Uraon, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2021**

1. The applicant has preferred this third bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.198/2019, registered at Police Station - Ambikapur, District Surguja (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Earlier two bail applications of the applicant were dismissed as withdrawn.
3. The prosecution story, in brief, is that on 01.04.2019, the police of police station Ambikapur, acting on a tip-off, intercepted the applicant and seized 22.91 grams of contraband article (Brown Sugar) from him. Based on this, offence has been registered against the applicant. Present applicant have been taken into custody on 01.04.2019.
4. Learned counsel for the applicants submits that the applicant is in custody for last two year and he has no criminal antecedent. He also submits that the seized article is less

than the commercial quantity and seizure witnesses have not supported the prosecution case and turned hostile. He also submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. In the instant case, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, in particular the quantity of contraband article and further considering the fact that the applicant is in custody since 01.04.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.2,00,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge