

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6784 of 2021**

- Shankarlal Vaishnav, S/o Shri Jodharam Vaishnav, Aged About 31 Years, R/o Kansiram Nagar, Near Hanuman Temple, Telibandha, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: P.S.- Mahasamund, District - Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Prafull N. Bharat, Senior Advocate
assisted by Shri Jitendra Shrivastava, Adv.
For Respondent/State : Shri Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.10.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 420/2020 registered at Police Station- Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Sections 21 & 22 (B) of the N.D.P.S. Act and 25 of the Arms Act.
2. Earlier, the first bail application of the applicant was rejected on 22.03.2021.
3. The prosecution story, in brief is that, on the basis of secret information, police personnel intercepted the vehicle and seized total 730 grams of brown sugar and one pistol from the possession of the applicant. Thereafter, offence has been registered against the applicant and he has been taken into custody.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the memorandum and seizure witnesses Priyesh @ Chhotu (PW-1) & Nitin Rajpurohit (PW-3) have not supported the case of the prosecution and declared hostile. The applicant is in jail since 12.08.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the memorandum and seizure witnesses Priyesh @ Chhotu (PW-1) & Nitin Rajpurohit (PW-3) have not supported the case of the prosecution and turned hostile. The applicant is in jail since 12.08.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**