

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6798 of 2021

- Deepak Dixit S/o Sachidanand Dixit, Aged About 23 Years, R/o Sidhekala, Post Belchampa, Police Station and Tahsil Gadhwa, District Gadhwa (Jharkhand), Presently Residing At Beside Global School, In The Rented House of Lalbabu Dhobi, Surajpur, Police Station, Tahsil and District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Jainagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-03-2021 in connection with Crime No.64/2021 registered at P.S. - Jainagar, District - Surajpur, Chhattisgarh for the offence under Section 21(C) of Narcotic Drugs and Psychotropic Substances Act and Section 25, 27 of Arms Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.4675/2021 was dismissed as withdrawn on 06-07-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 10-03-2021. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case against this applicant. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses yet to be examined in the trial who

may establish the prosecution case. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, 500 numbers of Rexogesic injection each vial having 2 ml. and 500 numbers of Avil injection each vial having content of 10 ml., one country made pistol and six live cartridges were recovered and seized from the possession of this applicant. Hence, this case.

7. Considered on the submissions. Perused certified copy of the depositions of the witnesses of search and seizure. They have been declared hostile by the prosecution for not supporting the prosecution case. Therefore, looking to this development in the case, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge