

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7091 of 2021

- Shahrukh Khan S/o Yusuf Khan Aged About 30 Years R/o Sushner 118, Ward No. 07, Near M.S. School, Police Station Susner, Tehsil And District Agarmalawa, Madhya Pradesh, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bastar, District Jagdalpur, Chhattisgarh

---- Respondent

For Applicant	: Shri Vinod Tekam, Advocate
For Respondent/State	: Shri Sameer Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/10/2021

The applicant has filed this second application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 128/2020 registered at police station Bastar, district Jagdalpur (CG) for the offence punishable under Section 20 B of the Narcotics, Durgs and Psychotropic Substances Act. His earlier bail application was dismissed as withdrawn with liberty to revive at the appropriate stage.

As per prosecution case, on recieving secret information, the police party apprehended and seized 31.300 kgs. of ganja which was kept in the vehicle of the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case and the mandatory provisions of NDPS Act have not been complied with. He submits that there are four accused persons in the present case and two of them are absconding. He submits that the applicant is a driver and that the memorandum and seizure witnesses have turned hostile. Lastly, he submits that the applicant is in jail since 23.08.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 1,00,000/- with one local surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge