

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7281 of 2021**

- Bheem @ Indrajeet Kaushik, S/o Nandkumar Kaushik, Aged About 27 Years R/o Village Dagori, Tahsil and Police Station Bilha, District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through: The Station House Officer, Police Station Chakarbhata, District Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Rajeev Kumar Dubey, Adv.
For Respondent/State	: Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.10.2021**

1. The accused/applicant has moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 241/2020 registered at Police Station- Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Sections 21 & 22 of the N.D.P.S. Act.
2. Earlier, the first and second bail applications of the applicant were rejected on 11.02.2021 & 27.08.2021 by this Court.
3. The prosecution story, in brief is that, applicant and other co-accused namely Saurabh Kumar Thawait @ Ravi was intercepted on the road on the basis of mukhbir information and from his possession, commercial quantity of the psychotropic substance codeiune phosphate containing syrup bottles were found when his memorandum was recorded and on the basis of said memorandum, the present applicant has been arrested.
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 memorandum and seizure witnesses have also been examined and they have not supported the prosecution case and have been declared hostile. The applicant is in jail since 13.10.2020, 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. It is submitted that the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on bail.
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 memorandum and seizure witnesses have also not supported the prosecution case and turned hostile. The applicant is in jail since 13.10.2020 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. 2,00,000/-, 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**