

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8125 of 2020**

- Mohd. Firoz S/o Mohd. Yusuf Sheikh Aged About 28 Years R/o Juni Khallari Line, Kadar Jhanda Police Station Kamti, District Nagpur (Maharashtra)., District : Nagpur, Maharashtra

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Rahim Ubwani, Advocate.
For Respondent/State : Mr. Devesh Verma, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/04/2021**

1. The accused/applicant has moved this **fifth bail** application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 5/2018 registered at Police Station - Farasgaon, District - Kondagaon (C.G.) for the offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act.
2. The fourth bail application of the applicant was dismissed by this Court on 23.10.2019 in MCRC No. 6388/2019.
3. The prosecution story, in brief is that, police has received a secret information that four persons are coming from Farasgaon road to Jagdalpur in a vehicle Indigo bearing registration No. MH-04-DN-1576 and they are carrying cannabis (ganja) with them. The vehicle was intercepted, searched and seized total 42.752 Kg. cannabis (ganja). Thereafter, offence has been registered against the present applicant and other co-accused persons.
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 both the seizure witnesses of this case have been examined and both have turned hostile before the trial court and not supported the prosecution case, copy of the deposition have been enclosed with the application as Annexure-A/2, and the applicant is in jail since 18.01.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant 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 case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that both the seizure witnesses have been examined by the trial Court and have not been supported the prosecution case. The applicant is in jail since 18.01.2018 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. 50,000/- 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**