

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7937 of 2021**

Mohd. Aslam S/o Mohd. Munawwar, aged about 34 years R/o Shanti Nagar, Kawra Peth, P.S. Lakhadganj, District Nagpur (Maharashtra)

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Rishabh Chandra Samant, Advocate
For Respondent	:	Mr. Sushil Sahu, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

27/10/2021

Heard.

1. The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 199/2021 registered at Police Station- Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Sections 21 (B) of the Narcotic Drugs Psychotropic Substances Act. First bail application of the applicant was dismissed as withdrawn with liberty to revive the bail application at an appropriate time vide order dated 26/08/2021 passed in MCRC No. 4597/2021,
2. Case of the prosecution in brief is that on 06/06/2021 on the basis of secret information received from the informant, the police officials recovered 8.84 grams of brown sugar from the illegal possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Material witnesses of search and seizure have been examined and they have not supported the case of the prosecution. Copy of deposition sheets of the witnesses have also been filed along with this bail application. He further submits that the applicant is in jail since 06/06/2021 and trial is likely to take time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the fact that search and seizure witnesses namely Neeraj Kumar Nanda and Raju Dhiwar, both have been examined and have not supported the case of the prosecution, and further considering the fact that the applicant is in jail since 06/06/2021 and conclusion of trial is likely to take some time, I am of the view that it is a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the trial Court on following conditions:-
 - a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
 - b) he shall not act in any manner which will be prejudicial to fair and expeditious trial;

- c) he shall appear before the trial Court on each and every date given to him by the said Court till the disposal of the trial;
- d) he shall not involve himself in any offence of similar nature in future;
- e) while furnishing the bail bonds, the applicant and the person who stand surety shall submit their Aadhar Cards and full-sized colored postcard size photographs mentioning their Aadhar numbers on the same before the trial Court.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul