

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8048 of 2021

1. Manik Chand S/o Ravi Chand Aged About 23 Years R/o Village- Kewara, Thana And Tehsil- Pratappur, District- Surajpur Chhattisgarh.
2. Yakub Khan S/o Late Rauf Khan Aged About 36 Years R/o Village- Kewara, Thana And Tehsil- Pratappur, District- Surajpur Chhattisgarh. ---- **Applicants**

Versus

State Of Chhattisgarh Through P. S. Pratappur, District- Surajpur Chhattisgarh.
---- **Non-Applicant**

For Applicant:	Shri Sanjay Agrawal, Advocate.
For Non-Applicant/State :	Ms. Seema Dixit, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

29.10.2021

1. This is the 3rd bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicants, who have been arrested in connection with Crime No.151/2020 registered at Police Station – Pratappur, District – Surajpur, Chhattisgarh for the offence punishable under Section 21(C) of the NDPS Act.
2. The earlier bail applications were dismissed as withdrawn by this Court vide orders dated 24.02.2021 & 11.06.2021 passed in M.Cr.C Nos.8519/2020 & 2813/2021 respectively.
3. Prosecution case in brief is that on 27.05.2020, on the basis of secret information, the police went in search and recovered 20 bottles of cough syrup (100 ML each) from Applicant No.1 and 13 bottles of RC cough syrup (100 ML each) from Applicant No.2.
4. Learned counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the crime in question and are in jail since 25.09.2020 and therefore, they may be released on bail.
5. Per contra, learned Counsel for the State opposed the bail application.

6. Considering the facts and circumstances of the case, looking to the period of detention, the nature of evidence, the material evidence of search and seizure has turned hostile and the statements of Bheem Gupta (PW-2) and Banafar (PW-3) annexed with this application, looking to the developments, the fact that the Applicants are in jail since 25.09.2020 and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that in the event of the Applicants' executing a personal bond for a sum of Rs 50,000/- with two sureties each in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

(a) they 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) the Applicants and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya