

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9455 of 2020**

- Mohammad Razzak, S/o Mohammad Shubрати, aged about 70 years, R/o village Kotma, P.S. Kotma, District Anuppur (M.P.)

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Gidhouri, Tundra, District Balodabazar (C.G.)

---- Respondent

For Applicant	:	Mr. Manish Sharma, Advocate
For Respondent	:	Ms. Ishwari Gritlahre, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/04/2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.171/2020, registered at Police Station – Gidhouri (Tundra), District Balodabazar (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act).
2. The prosecution story, in brief, is that the police of police station Gidhouri, acting on a tip-off, recovered 50.380 kilogram contraband article cannabis from the vehicle (white colour Scorpio-Mahindra) bearing registration No.CG-16-CM-5609. It is alleged that the said vehicle belongs to the present applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 09.11.2020.
3. Learned counsel for the applicant submit that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has executed a document (power of attorney) on 15.06.2020, according to which, he

had given his vehicle on rent to co-accused Saif Ali and, therefore, no case is made out against him. The only allegation against the present applicant is that, the vehicle from which the contraband has been recovered, belongs to him. He next submits that the applicant is in custody since 09.11.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quality of evidence, and further considering the fact that the applicant is in custody since 09.11.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge