

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4178 of 2015

1. Ajay Soni S/o Shri Ramgopal Soni, Aged about 24 Years, R/o Sitamani Chowk, Korba, Police Station City Kotwali Korba, District Korba, Chhattisgarh.
2. Ajay Das @ Lali S/o Shri Haridas, Aged about 22 Years, R/o Rani Road Purani Basti, Korba, Police Station City Kotwali Korba, Distt. Korba, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur Chhattisgarh.

Respondent

For Applicants	:	Shri Amit Singh, Advocate
For Respondent/State:		Shri U. N. S. Deo, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

20/08/2015

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who were arrested on 04.04.2014 in connection with Crime No. 74 of 2014 registered at PS Tarbahar, District Bilaspur for the offence punishable under Section 22 of NDPS Act.

The first bail application of the applicant was dismissed as withdrawn by this Court on 30.06.2014 with liberty to revive the same after material witnesses are examined.

Counsel for the applicants submits that one seizure witness has been examined who has not supported the case of the prosecution and the other seizure witness has been given up by the prosecution and that the possibility of conviction of the applicant is remote, therefore, he may be released on bail.

Opposing the bail application counsel for the State submits that the case of the prosecution can still be established on the evidence of the Investigating Officer and the other departmental witnesses and therefore, only because the seizure witness has not supported the prosecution case, the applicants cannot be granted bail.

Considering the over all facts and circumstances of the case, particularly the fact that the contraband seized from the applicants is brown sugar and also the fact that the material departmental witnesses are still to be examined, this Court is not inclined to grant bail to the applicants.

Accordingly, the second bail application filed by the applicants is rejected.

Sd/-
(P. Sam Koshy)
JUDGE