

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2238 of 2016

1. Shekhar Yadav, S/o. Kalinder Yadav, aged about 21 years, Caste- Mahkul, R/o. Village- Gariyadohri, Chowki-Dokda, Police Station – Kansabel, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station : Tapkara, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. D. Kushwaha, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/04/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.119/2015, registered at Police Station – Tapkara, District – Jashpur (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act. The first bail application was dismissed on 16.11.2015 in M.Cr.C.No.6038/2015.
2. Case of the prosecution, in brief, is that on 26.08.2015 on the basis of the information, a raid was conducted by the Sub-Inspector, Police Station Tapkara wherein 4 Kgs. of contraband Ganja was seized from the possession of the applicant, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that the seizure witnesses in this case have been examined before the Court below and have been turned hostile. He further submits that the applicant has

been falsely implicated in this case and he is in jail since 26.08.2015 and therefore, he prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the investigating officer is still to be examined, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statements of the witnesses. Though the seizure witnesses appears to have not supported the case of the prosecution, but the Investigating Officer is still to be examined, therefore, it would not be proper to usurp the trial by this Court and evaluate the evidence on merit. Considering the stage of trial, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram