

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 2351 /2016

Keshav Sahu, S/o. Shivpratap Sahu, Aged About 30 Years, R/o. Village Kebhopur, Police Station Ramanujnagar, Civil & Revenue District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok K. Shukla, Advocate
For Respondent : Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.04.2016

1. This is the second bail application. The first bail application was dismissed on merit on 13.01.2016.
2. The instant second bail application is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.221/2015 registered at Police Station– Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Section 20(B) of Narcotics Drugs & Psychotropic Substance Act.
3. Case of the prosecution, in brief, is that the applicant was found in possession of 6 kg and 50 gram of cannabis and thereafter the applicant was arrested on 22.10.2015.
4. Learned counsel for the applicant submits that the seizure witness, memorandum witness and search witness have turned hostile and they have not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perusal of the statements would show that the witnesses have prima facie appears to be turned hostile. Perusal of the evidence would show that the statement of I.O. is necessary, who is still to be examined. Evaluating the statements, at the stage of bail, in the facts of this case appears to be not correct. In view of this, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge