

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4625 of 2016

Samsher Khan, S/o Late Yakub Khan Aged About 60 Years, R/o
Village Kosamkhunta, Police Station Fingeshwar, District
Gariyaband Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Fingeshwar, District
Gariyaband Chhattisgarh.

---- Respondent

For applicant - Shri Arun Kochar, Advocate.
For Respondent/State Ms. Shobha Kashyap, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/08/2016

1. This is the third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on merits on 18/11/2015. Second bail application was dismissed as withdrawn on 5/02/2016 but no liberty was reserved in favour of the applicant to repeat the bail application.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 133/2015 registered in Police Station Fingeshwar, District Gariyaband (C.G.). for offence punishable under section 20 (B) of Narcotics Drugs and Psychotropic Substances Act.
3. As per the prosecution case, on 11/08/2015 on information received that the applicant alongwith co-accused are coming in the motorcycle from village Tarjunga for the purpose of selling contraband Ganja, the police authorities intercepted them and on search being made, 3 kg of ganja from applicant Samsher Khan and 2 kg of ganja from co-accused Mohd. Shakeel was seized and thereafter the offence was registered and the charge sheet has been filed.

4. Learned counsel for the applicant submits that the seizure witness have turned hostile, therefore, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the fact that the IO is still to be examined and the evidence is going on and the earlier bail application was dismissed on merits, I do not find any change of circumstance to reconsider this third bail application, therefore, this court is not inclined to release the applicant on bail.

7. Accordingly, the third bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE