

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5622 of 2016

- Ramnath Patel S/O Kunj Bihari Patel Aged About 24 Years R/O Pisid, Police Station Kasdol, District Baloda Bazaar Chhattisgarh.

---- **Applicant**

Versus

- State Of Chhattisgarh Through Excise Circle- Dharsiwa, District Raipur Chhattisgarh

For Applicant : Mr. Syed Imtiaz Ali, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-09-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 12-10-2015 in connection with Crime No. 283 of 2015 registered at Police Station Excise Circle Dharsiwa, District Raipur (CG) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 8-10-2015 on information being received that the applicant was carrying cannabis from Orissa to Raipur, a raid was made in which the applicant were found in possession of the cannabis weighing about 10 kg and 34 grams and the same was recovered from him
3. Learned counsel appearing for the applicants would submit that the applicant has been falsely implicated in the case and the seizure witnesses namely Ravi Kumar Ahuja (PW/1), Amit Jhangde (PW/2), Mahendra Banjare (PW/3) and Suryapratap Banjare (PW/4) have been examined, but they have not supported the prosecution case. He would further submit that the charge-sheet has been filed in this case and the applicant

is in in jail since 12-10-2015, therefore, he may be released on bail

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, at this stage, I am of the considered opinion that it would not be appropriate for this Court to evaluate the entire evidence for consideration of bail application as certain witnesses are still to be examined. Therefore, instead of deciding the case on merit, it would be appropriate to leave the matter to be decided by the trial Court after entire evidence is placed on record.
7. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed. However, the trial Court is directed to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge

Raju