

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2813 of 2016

- Kirat Bhoi S/O Kesbo Bhoi Aged About 40 Years R/O Village Sirmuda, P.S. Mahasamund, District Mahasamund, Chhattisgarh. Temporary R/O Pipemal, District Bargarh, Oodisha.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Old Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.C. Sahu Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is the 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 22-7-2015 in connection with Crime No. 591 of 2012 registered at Police Station Old Bhilai, District Durg (CG) for the offence punishable under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per prosecution case, the applicant was arrested for keeping 14 kg cannabis in his house and he was granted bail by virtue of Section 167 (2) of the Act, 1985 and subsequently he jumped the bail and he was again produced.
3. Learned counsel appearing for the applicant would submit that the applicant was arrested in connection with another crime in ST No. 19 of 2013 and was in jail from 17-09-2013 thereafter he could not attend the court and the applicant is in jail for the last three years. therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties and perused the case diary and documents. Perusal of the order sheets goes to show that the applicant was enlarged on bail by virtue of Section

167(2) of the Act 1985 as it would be evident from the order sheets, he was released on bail and subsequently he jumped the bail and during the time he was on bail and he was arrested for similar nature of offence again.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, I am not inclined to release applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju