

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5608 of 2016

Mohammad Azaz, S/o. Mohammad Avesh, Aged About 35 Years,
R/o. Pent, P.S. - Sitapur, District Surguja, Civil And Rev. Distt.
Surguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through S.H.O. Police Station Ambikapur,
District Surguja Chhattisgarh.

---- Respondent

For Applicant	:- Mr. A.K. Prasad, Advocate
For Respondent/ State	:- Ms. Shobha Kashyap, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/09/2016

1. This is the third bail application 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. 321/2015 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 20(B) (ii)(b) of N.D.P.S. Act.
2. The first bail application of the applicant was dismissed on merit on 14.12.2015 in M.Cr.C. No. 6922 of 2015 and the second bail application of the applicant was dismissed as withdrawn on 09.08.2016 in M.Cr.C. No. 4162 of 2016.
3. Counsel for the applicant submits that the I.O. has already been examined and therefore reading the statement of the witnesses

would show that no case is made out against the applicant, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier dismissal order. Earlier the bail was dismissed on merits. Considering the fact that the witnesses have been examined, it would not be appropriate for this Court to give a finding and usurp the power of trial Court and gave finding while adjudicating the bail petition.
6. Accordingly, the bail application filed under section 439 of Cr.P.C. is against dismissed.
7. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge