

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6062 of 2016

1. Salikram Bharadwaj, S/o. Aghori Bharadwaj, aged about 37 years, R/o. Village-Donfizoor, P.S. - Kosir, District – Raigarh (C.G.)
2. Ravindra Ku. Kurre, S/o. Sammelal Kurre, aged about 22 years, R/o. Village- Tenduras, P.S. - Sarsiwa, District- Balodabazar-Bhatapara (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, through: Station House Officer, Police Station – Sakti, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicants	: Ms. Pritha Ghoshal, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

07/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.46/2016, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 20 (B) N.D.P.S. Act. The first bail application was dismissed for want of prosecution on 15.06.2016.
2. As per prosecution case, on 24.02.2016 on a secrete information received that the applicants are carrying cannabis in the motor cycle, they were intercepted and from the possession of the applicants 6 kg. cannabis were recovered. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and seizure witnesses in this case namely Lallu Ram Dewangan, Yogesh Kumar, Surfaraz Khan and Jot Kumar have been examined in this case and they have not supported the case of the prosecution, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that the Investigating Officer is not yet been examined, therefore, prays that the applicants may not be enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considered the facts and circumstances of the case. The trial is in session of the matter, any observation made by this Court while deciding the bail application will prejudice the right of the accused persons or prosecution and the investigating Officer is yet to be examined. Taking into such facts and the quantity of the cannabis seized, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge