

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 7429 of 2016**

- Shanti Lal S/o Ram Lal Anant, Aged About 23 Years R/o Village Navganw, Police Station Baloda, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- **Petitioner**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Baloda, District Janjgir Champa, Chhattisgarh.

---- **Respondent**

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For Applicant : Mr. Sumit Singh, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**24-11-2016**

1. This is a second 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 22-4-2016 in connection with Crime No. 87 of 2016 registered at Police Station Baloda, District Janjgir-Champa (CG) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substances Act, 1985. Earlier first bail application was dismissed on merit on 11-7-2016.
2. As per the prosecution case, on 22-4-2016 on information received that the applicant is travelling with the Cannabis and tried to sell, he was intercepted and from the possession of the applicant, who was travelling in the motor-cycle, total 4 kg of Cannabis were recovered.
3. Learned counsel appearing for the applicant would submit that the seizure was not made in person from the applicant and the seizure witnesses PW/1 Neelkumar Giri, PW/2 Santosh Nirmalkar and PW/3 Basant Yadav have been examined and 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 jail since 22-4-2016, 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 which would show that cannabis weighing about 4 kg were recovered from the possession of the applicant. Further, it appears that Investigating Officer is still to be examined as his statement would be relevant for consideration of the bail application.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the Investigating Officer is still to be examined, I do not find any change of circumstance to reconsider the bail application again.
7. Accordingly, the second bail application filed by the applicant under Section 439 of the Cr.P.C, is also liable to be and is hereby dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju