

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 710 of 2017

- Chandrabhan Jangde S/o Rajaram Jangde, Aged About 24 Years
R/o Ward No.04, Ahiwara, Police Station- Nandini Nagar, District-
Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through- Station House Officer, Police
Station- Nandini, District- Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Sudhir Verma, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-02-2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant who has been arrested on 31-7-2016 in connection with Crime No. 206/2016 registered at P.S. Nandini Nagar, District Durg (C.G) for the offence punishable under Section 20(B)(ii)(B) read with Section 8 of Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on information received that on 30-7-2016 the applicant was transporting cannabis in the motor-cycle from Kumhari to Ahiwaraon, a raid was conducted and from the possession of applicant 8 kgs of cannabis were recovered and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant would submit that two witnesses have been examined before the court below naely

PW/1 Rana Baghel and PW/2 Rana Barle. It is further submitted that the challan has been filed; applicant is in jail since 31-7.2016 and the trial is being protracted, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents annexed to the bail application.
6. Perused the statements of PW/1 Rana Baghel and PW/2 Rana Barle. It appears that out of 4 witnesses, 2 have already been examined and the incident is of the year 2016 therefore, at this stage, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. In view of this, I am not inclined to allow this bail application.
7. Accordingly, it is rejected.

Sd/-

(GOUTAM BHADURI)

Judge

Raju