

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3430 of 2017

1. Raja Bhaiya, S/o Shri Natthu Singh Aged About 23 Years R/o Village- Riyana, Police Station Hindariya District- Damoh, Madhya- Pradesh
2. Bhagwat Rekwar, S/o Shri Mulu Rekwar, Aged About 24 Years R/o Village- Riyana, Police Station Hindariya District- Damoh, Madhya- Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station - Devendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Smt. Sareena Khan, Adv.
For Respondents/State	:	Shri S.K.Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/06/2017

1. The applicants are in jail since 21.09.2016 in connection with crime No.109/2016 registered at Police Station Devendra Nagar, Raipur (C.G.) for commission of offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as the "NDPS Act" for brevity).
2. Case of the prosecution is that the two applicants were found to be in possession of the contraband ganja carrying 6 kgs. and 4 kgs. each respectively on 21.09.2016 at the Bus-stand, Raipur.
3. Learned counsel for the applicant submits that the proceedings initiated against the present applicants are totally in contravention of the provisions of the NDPS Act and the witnesses till now examined have also turned hostile and have not supported the case of the prosecution, and therefore, they may be released on bail.

4. Per contra, the State Counsel, opposing the bail application, submits that it is a case where the present applicants have been found to carry contraband ganja in their hands and that though couple of witnesses have not supported the case of prosecution, it is well settled position of law that under the provisions of NDPS Act, the Investigating Officer and other Officers involved in the investigation can still prove the case of the prosecution.
5. Considering the total facts and circumstances of the case, particularly, the nature of the offence, this Court is of the opinion that it is not a fit case, in which, the applicants should not be enlarged on bail.
6. Accordingly, the bail application is rejected.

Sd/-

(P. Sam Koshy)
V. Judge