

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8356 of 2016

Jamil Khan, S/o. Shakil Khan @ Sahabuddin, aged about 50 years, R/o. Sundar Nagar, Govinda (Maharashtra). Originally Resident of Baijnathpara, Behind Hyderabad Hotel, Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station Bhimkhoj, District – Mahasamund (C.G.).

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2017

1. This is the 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 in connection with Crime No.52/2016 registered at Police Station- Bhimkhoj, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act. The first bail application was dismissed on merits vide order dated 18.07.2016 in M.Cr.C. No.3740/2016.
2. As per the prosecution case, on 28.03.2016 from the possession of the applicant, 5 Kgs. Of Cannabis was recovered while it was being transported, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that that all the witnesses have been examined in this case and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Considering the fact that most of the witnesses have been examined and the case is at the fag end. Taking into such fact I am not inclined to entertain the bail application so as to adjudicate the trial while deciding the bail and give the finding.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge