

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1277 of 2017

Mukesh Tiwari, S/o. Akshy Lal Tiwari, Aged About 26 Years, R/o. Village Ragda, Out Post - Basdei, Police Station Surajpur, District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Out Post Basdei, Police Station- Surajpur, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant : Mr. D. Kushwaha, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.02.2017

1. This is the third 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.411 of 2016 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Section 21(B) of Narcotic Drugs & Pshychotropic Substances Act, 1985. The first bail application was dismissed as withdrawn on 21.12.2016 and the second bail application was dismissed as withdrawn on 02.01.2017 with liberty to repeat after examination of the seizure witnesses.
2. Learned counsel for the applicant submits that the seizure witnesses have been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
3. Perused the order of rejection of the Trial Court wherein huge quantity of Narcotic Drugs were recovered from the applicant which includes COREX Syrup 93 bottles, ELTUREX-T Syrup 100 ml of 99

bottles, PROXYVON PLUS Capsule 2856 pieces. Taking into fact that in the cases of Narcotics, the statement of I.O. would be relevant and in the statement of I.O. the Court can adjudicate the guilt, therefore, considering such fact and the quantity of Narcotic Drugs seized, I do not find any change of circumstances to reconsider this third bail application.

4. Accordingly, the bail application is dismissed at the admission stage itself.

Ashok

Sd/-
(Goutam Bhaduri)
Judge