

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1146 of 2017

Harish Sahu s/o. Santram Shu, aged about 35 years, r/o. Village Mopka, near Hanuman Mandir, PS Sarkanda, District Bilaspur (CG).

---- Applicant

Versus

State of Chhattisgarh Through SHO, PS City Kotwali, Bilaspur, District Bilaspur (CG).

---- Respondent

For Applicant : Mr. Shailendra Dubey Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A..

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

1. This is third bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 7-3-2016 in connection with Crime No. 95 of 2016 registered at Police Station City Kotwali, Bilaspur, District Bilaspur (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act. Earlier first bail application was dismissed on merits on 7-7-2016 and second bail application was also dismissed on merits on 2-12-2016.
2. Case of the prosecution, in brief, is that on information being received that the applicant was coming on his motor-cycle bearing registration No. CG-11-AF 4868 having possession of cannabis weighing about 10 kgs to sell the same to Chandraprakash, a raid was made in which the applicant was found in possession of cannabis weighing about 6 kgs and co-accused was found in possession of cannabis weighing about 4 kgs and same were recovered from them.

3. Learned counsel appearing for the applicant would submit that four witnesses have been examined and they have not supported the prosecution case and there is delay in trial, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and perused the case diary and documents annexed to the bail application. It appears that only four witnesses have been examined and the incident is of 2016, therefore, at this stage, I do not find any reason to adjudge the matter for consideration of bail by evaluating the statements of witnesses as it would amount to usurping the power of the trial Court. In view of this, I am not inclined to allow the instant bail application.
6. Accordingly, the third bail application is also liable to be and is hereby dismissed. However, the trial Court is directed to expedite the trial.

Certified copy as per rules.

Sd/-

(GOUTAM BHADURI)

Judge

Raju