

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1464 of 2017

- Ayush Dubey S/o Sanjay Dubey , Aged About 18 Years R/o H- No. 24, 15 Civil Lines, Police Station- Durg Chowki Padmanabhpur Tahsil - Durg, Distict- Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through: Police Chowki Padmanabhpur Police Station- Durg District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-4-2017

1. This is 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 on 21-6-2016 in connection with Crime No. 474 of 2016, registered at Police Station Chowki Padmanabhpur, PS Durg, District Durg (CG) for the offence punishable under Sections 21 (B) of NDPS Act.
2. Case of the prosecution case, in brief, is that on secret information being received that the applicant was selling brown sugar, the area was raided by the Police Party, the applicant was apprehended and from his possession 38 packets of brown sugar weighing 6.560 grams were recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this is third bail petition, earlier first bail petition was dismissed on merits on 23-8-2016 and second bail petition was dismissed as withdrawn on 6-10-2016. He would further submit that till date out of total 17 witnesses, eight witnesses

have been examined and they have not supported the case of prosecution.

He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 21-6-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that there are 17 witnesses and out of 17 witnesses only eight witnesses have been examined and rest of the witnesses are still to be examined in this case.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Considering the fact that earlier first bail application was dismissed on merits on 23-8-2016 and further considering the fact that out of total 17 witnesses only eight witnesses have been examined and rest of the witnesses are still to be examined, I do not find any change of circumstances to reconsider the third bail petition.
7. Accordingly, the third bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed. However, the trial Court is directed to expedite the trial.

Sd/-

(Goutam Bhaduri)
Judge

Raju