

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1579 of 2017

- Pardeshi Verma S/o Shri Babulal Verma, Aged About 40 Years R/o Village Chhanchhi, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Yogesh Chandra, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.488/2016 registered at Police Station Kasdol, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Section 20-B Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 03.12.2016 certain information was received that the applicant alongwith other accused were carrying cannabis in the motorcycle bearing No.C.G.04/HL/0896 and in pursuance thereof, a raid which conducted by the police and when the vehicle was intercepted and search being made from the possession of the applicant 5 Kgs., of cannabis was recovered and the rest of 1320 grams of cannabis was recovered from the other accused.
3. Learned counsel for the applicant submits that this is second

bail application and the earlier one was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses. He submits that now the seizure witnesses have been examined and they have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary as also seizure documents. It appears that the Investigating Officer in this case has not been examined. Since it is a case of NDPS Act, the statement of I.O., would be relevant and only on the basis of seizure witnesses, no definite opinion can be given for consideration of bail at this stage by usurping the power of trial Court.
6. Considering the quantity of Ganja i.e., 5 Kgs., allegedly recovered from the applicant and for the reason stated above, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE