

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1825 of 2017

- Maniklal Jogwanshi S/o Murwa Jogwanshi, Aged About 42 Years R/o Village Batharra, Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Chowki Fasterpur, Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-4-2017

1. This is 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 on 16-6-2016 in connection with Crime No. 297 of 2016, registered at Police Station Police Chowki, Fastarpur, PS Mungeli, District Mungeli (CG) for the offence punishable under Sections 20(B) II (B) of NDPS Act.
2. As per the prosecution case, on 16-3-2016 the applicant was traveling on a motor-cycle which was driven by other co-accused Rajendra Patre and when the motor-cycle was intercepted, from the possession of the present applicant 3.5 kgs of Ganja was seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed on merits on 8-11-2016. He would further submit that out of two seizure witnesses, one seizure witness namely Bhuneshwar Chandrakar has been examined

before the court below and he has 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 16-6-2016 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 two seizure witnesses and out of two witnesses one seizure witness has been examined and other seizure witness namely Mahesh Chandrakar remains 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 8-11-2016 and further considering the fact that other seizure witness is still to be examined, I do not find any change of circumstances to reconsider the second bail petition.
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju