

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1960 of 2017

Pawan Jaiswal S/o Phool Chand, Aged About 50 Years (Wrongly
Mention As 20 Years) R/o Village Takhatpur, Police Station
Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Jarhagaon,
District Mungeli Chhattisgarh

---- Respondent

For applicant - Shri Vikash Pandey, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/03/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 9/12/2016 vide M.Cr.C. No.5859/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.142/2016 registered in Police Station Jarhagaon, District Mungeli (C.G.) for offence punishable under sections 22(B), 29 of NDPS Act.
3. As per the prosecution case, on 26/07/2016 on information received by the police, the police reached near the Railway Station and Sudip Agrawal and his Scooty bearing No.CG 12 AJ 8257 when was searched, Spasma Proxgone Capsule 20 strips, Spas Pokran Plus Capsule 35 pieces, Almax 0.5 tablets 20 strips, Nitrosum 10 tablets 8 strips, Cyrex Cough Syrup 100 ml. 10 Bottles, Corex syrup 100 ml. 8 bottles, Biorex Cough syrup 100 ml. 5 bottles and on house being raided from the bedroom Spasmo Proxyone Plus Capsule 10 strips, Almax 0.5

tablets 20 strips, Nitrosun 10 tablets 10 strips, Cyrex Cough Syrup 100 ml. 100 bottles, Corex Cough Syrup 100 ml. 45 bottles were seized. Therefore, he was arrested on 26/07/2016 for committing the offence under Section 22 of NDPS Act.

4. Learned counsel for the applicant submits that the first bail application was dismissed on 9/12/2016 thereafter seizure witness namely Dharmendra Jaiswal has been examined, he has not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the earlier order. Earlier bail application was dismissed on merits and on specific query being made whether IO is examined or not it is submitted that IO is still to be examined. Considering the nature of accusation statement of IO would be relevant. At this stage only by picking up one of the statement of seizure witness it will amount to adjudicating the trial on merit, therefore I do not find any change of circumstances to reconsider this second bail application.

7. Accordingly, second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE