

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2145 of 2017

Baba Khatik @ Santosh Khatik S/o Shri Baliram Khatik, Aged About
25 Years R/o Karbalapara, Bilaspur, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station City Kotwali, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For applicant - Shri M.K. Bhaduri, Advocate.
For Respondent/State –Smt. M. Asha, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/04/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 2/01/2017 vide M.Cr.C. No.8387 of 2016 with liberty to file afresh before the trial court.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.287/2016 registered in Police Station City Kotwali, Bilaspur for offence punishable under section 20(B) of the NDPS Act.
3. As per the prosecution case, on 5/08/2016 on raid being conducted from the possession of the applicant 5kg 70 gms of cannabis were found. Thereby, offence has been committed.
4. Learned counsel for the applicant submits that this is the second bail application, earlier bail application was dismissed as withdrawn on 2/01/2017 with liberty to file afresh before the trial court and thereafter the trial court has dismissed the bail application. It is further submitted that two independent witnesses namely Santosh Jagat and Raja Yadav have been examined and they have 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. Taking into fact that IO is still to be examined and it is a case of NDPS Act, it will not be proper for this court to give a finding only on the basis of two independent witnesses and the case is to be decided on its merit. Taking into quantity of cannabis which is 5kg 70 gms, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE