

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3130 of 2017

Ratnesh Lodhi, aged about 22 years, S/o. Dal Singh Lodhi, R/o. Village-Chaurai, Police Station – Dehat (Damoh), Tahsil, Civil and Revenue District – Damoh (M.P.)

----Applicant

Versus

State of Chhattisgarh, Through : Police of Police Station – Dongripali, Tahsil, Civil and Revenue District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Ratnesh Kumar Agrawal, Advocate
For Respondent/State	: Mr. Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/05/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.01/2015, registered at Police Station – Dongripali, District – Raigarh (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs and Psychotropic Substances Act. The first bail application was dismissed on merits vide order dated 31.08.2016 in M.Cr.C. No.5068/2016.
2. As per prosecution case on 10.01.2015 a Car bearing Regn. No.M.P.51CA/0120 which was transporting contraband cannabis was intercepted and at that time, the driver fled away from the vehicle. It is alleged that on a search being made, 60 Kgs., of contraband cannabis was seized from the said vehicle.
3. Learned counsel for the applicant would submit that seizure witnesses namely Mohan Lal (P.W.-3) and Kanhaiya Sao (P.W.-4) have been

examined and they have not supported the case of the prosecution. It is further submitted that the applicant is in jail since 20.06.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Considering the fact that Investigation Officer has not been examined in this case till date and the case being that of Narcotics, the statement of Investigating Officer would be relevant. Taking into such fact, I do not find any change of circumstances to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge