

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3661 of 2017**

Devendra Bhagat Son Of Shri Anup Bhagat, Aged About 58 Years  
Resident Of Fatehpur, Khudmas, Police Station - Raghopur, District  
Vaishali ( Bihar )

**---- Applicant**

**Versus**

State Of Chhattisgarh Through : Station House Officer, Police  
Station Nagarnar, District Bastar Chhattisgarh

**---- Respondent**

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For applicant - Ms. Seema Singh, Advocate.  
For Respondent/State –Shri Suryakant Mishra, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**19/05/2017**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 30/08/2016 vide M.Cr.C. No. 4983 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.04/2016 registered in Police Station Nagarnar, District Bastar (C.G.) for offence punishable under section 20 (B) of NDPS Act.
3. As per the prosecution case, on information being received, a raid was conducted by the Police party and thereafter the applicant was intercepted and he was found in possession of 18 kgs of cannabis and the same were recovered from him.
4. Learned counsel for the applicant submits that 7 witnesses have been examined and they have not stated anything against the applicant, therefore the applicant may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail.
6. Perusal of the earlier order would show that earlier bail was

dismissed on merits. Therefore, at this stage it would not be proper for this court to usurp the power of the trial court to decide the case on merit as it may prejudice right of the parties, therefore this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed. However, learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE