

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4295 of 2017

- Manoj Sahu S/o Late Kamta Prasad Sahu, Aged About 36 Years, R/o Rajpur, Police Station Dhamdha, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dhamdha, Civil & Revenue District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri S.K. Agrawal, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.233/2016 on 30-07-2016 by P.S. Dhamdha, District Durg, C.G. for the offence under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet before the Special Judge under the NDPS Act as Special Criminal Case NDPS No.33/2016. Learned counsel for the applicant would submit that this is second bail petition; earlier MCRC No.1767/2017 was filed by the applicant, the same was disposed of as withdrawn on 08-5-2017. Presently, the panch witness PW-1 Khilawan Sahu has been examined who had not supported the prosecution's case and one Jahar Singh, Constable who had effected the service to the panch witnesses and also arranged for weighing machine and the person who had taken weight of the ganja is examined along with other witnesses. Looking to entire facts, the applicant may be enlarged on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant.
4. Perused the entire material.
5. As in the present matter, the applicant is charged for the illicit

possession of ganja 147 kg., other panch witness is not examined, the I.O. is not examined, other material witnesses are also not examined, and even otherwise, this Court is not the trial Court and partial appreciation of the content of the statement of the prosecution witnesses already examined would not be appropriate. Looking to the entire facts and circumstances, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge