

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4343 of 2017

Monu @ Tejprakash, S/o. Vishveshwar Prasad Tiwari, Aged About 23 Years, R/o. Banda, Near Cent Marry (wrongly mentioned as Marriage) School, Tahsil- Banda, Police Station- Band, District Banda, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.06.2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 156/2016 registered at Police Station- Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act. The first bail application was dismissed on merit on 02.11.2016 in MCRC No. 6715 of 2016 and second bail application was dismissed as withdrawn on 16.11.2016 in MCRC No. 7513 of 2016.
2. As per the prosecution case, on 21.06.2016 a Car bearing No.C.G. 04 CH 1800 was intercepted and from the Car 13.800 Kg and 10.520 Kg of Cannabis was recovered and the entire Cannabis was more than 24 Kg and from the applicant recovery was shown to be of 10.520 Kg.

3. Learned counsel for the applicant would submit that 11 witnesses have been examined in this case and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the fact that earlier the second bail application was dismissed as withdrawn wherein no liberty was given to repeat the bail, I do not find it proper to evaluate the statement of the witnesses and adjudicate the case on merit while hearing the bail application, as it would amount to usurp the power of the trial Court.
6. Accordingly, the third bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge