

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 7698 of 2017

(Arising out of Crime No.502/2016 registered at Police Station Kotwali Surguja for the offence punishable u/s 21-B of the N.D.P.S. Act)

Mohd. Ashfaq Alam @ Babu S/o Mustaq Alam, Aged About 26 Years Occupation Labour, R/o Mahmaya Road, Police And Tehsil Ambikapur, Civil And Revenue District Surguja Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through the House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh. --- **Respondent**

06.12.2017	Mr. Chandra Bhushan Kesarwani, counsel for the petitioners. Mr. Anupam Dubey, Dy. Govt. Adv., for the State. Heard. This is second bail application filed u/s 439 of the Code of Criminal Procedure. The first bail application (M.Cr.C. No.5843 of 2013) was dismissed on 09.12.2016 by a detailed order. As per the prosecution case on 21.07.2016 during patrolling, the vehicle bearing No.M.P. 09 CP 9461 was intercepted and on being searched the vehicle 400 bottles of Biorax Syrup each contains 100 ml were found and the applicant failed to produce any valid document or license for possessing or transporting the same. Learned counsel for the applicant submits that 7 witnesses have been examined and nothing has been deposed against the present applicant, therefore, he may be enlarged on bail. Per contra, learned State Counsel opposes the bail application. At this stage, It would not be proper for this Court to pick up statements of few of the witnesses and give a finding while considering the grant of bail as it would affect the merits of the case. It is for the trial Court to arrive at a

R a o	finding and adjudicate the same after assessing the evidence as a whole. Consequently, I do not find any change of circumstances. Accordingly, the bail application is rejected. Sd/- GOUTAM BHADURI JUDGE
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