

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7875 of 2017

Anupam Kushwaha, S/o. Ravishankar Kushwaha, Aged About 22 Years,
Caste Kushwaha, R/o. Village & Post Majhigava, Tahsil Teother, Police
Station Suhagi, District Riwa (M.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Darbha, District Bastar,
Chhattisgarh.

---- Respondent

For Applicant : Mr. S.C.Verma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.12.2017

1. This is the second 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.62/2016 registered at Police Station- Darbha, District Bastar (C.G.) for the offence punishable under Section 20(ख) of the Narcotic Drugs & Psychotropic Substance Act & Section 25 of the Arms Act. The first bail application was dismissed as withdrawn on 20.11.2017 in MCRC No.4807 of 2017 with liberty to move after examination of the independent witnesses.
2. As per the prosecution case, on 14.11.2016 when an information was received that certain persons have transporting Cannabis, the interception was made of a Car bearing No.C.G.04/H.W./6312 and they were found to be going from Sukma to Jagdalpur and the Car was intercepted wherefrom 102 Kg. 100 Grams Cannabis were recovered alongwith Deshi Revolver and two live Cartoos.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated, necessary compliance of the Sections of N.D.P.S. Act were not made and the Cannabis were not seized in person from the present applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The earlier bail application was dismissed as withdrawn with liberty to move after examination of the independent witnesses. Taking into the case diary and documents, I do not find any change of circumstances to reconsider the instant second bail application. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge