

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 378 of 2018

- Suresh Meher S/o Butung Mehar Aged About 38 Years R/o Village Jamula Thana- Padampur, District Bargarh (Odisha)

---- Applicant

Versus

- State of Chhattisgarh S/o Through : Station House Officer, Police Station- Pithora, District Mahasamund (Chhattisgarh)

---- Non-applicant

For Applicant : Shri Vikash Pradhan, Advocate

For Non-applicant/ State : Shri Satish Gupta, GA

Hon'ble Shri Justice Sharad Kumar Gupta

ORDER

12.01.2018

1) The applicant has preferred this Second bail application under Section 439 of the Cr PC for grant of bail as he is arrested in connection with Crime No.77/2017 registered in Police Station Pithora, district- Mahasamund (CG) for offence punishable under Section 20(b) of NDPS Act (Narcotic Drugs and Psychotropic Substances Act) .

2) Heard the learned counsel for the parties.

3) The learned counsel for the applicant argued that seizure witnesses Ashok Sagar (PW-5) and Dheeraj Upadhyay (PW-6) have already been examined and they did not support the prosecution case. Therefore, present applicant may be released on bail.

4) The learned Government Advocate opposed the above and submitted that the Investigating Officer, important witness of the case is yet to be examined.

5) Earlier on 01.11.2017, this Court has rejected the first bail application considering the merits of the case. Merely on the reason that the prosecution witnesses Ashok Sagar (PW-5) and Dheeraj Upadhyay (PW-6) do not support the prosecution case, the applicant is not entitled to get the benefit of bail under Section 439 of the CrPC second time. There is no material change in the circumstances to grant bail in the second round.

6) Consequently, looking to the above, this Court is not inclined to release the applicant on bail filed under Section 439 of CrPC, while considering the second bail application. Hence, this Second bail application is also dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge