

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6694 of 2017**

Rohit Sahu S/o Aajuram Sahu R/o Manik Chowri, Police Station
Pipariya, Tahsil Kawardha District Kabirdham Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh Through The Excise Officer, Excise Circle
Kawardha, District Kabirdham Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/01/2018**

1. This is a repeat bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 35/2017 registered at Police Station Excise Circle, Kawardha, District Kabirdham, Chhattisgarh for the offence punishable under Section 20(b)(ii)B of NDPS Act. The earlier bail application was rejected on merits on 05.09.2017 vide MCRC No. 5338/2017.
2. The present applicant is in jail since 02.08.2017 in the aforesaid Crime number.
3. The counsel for the applicant submits that subsequent to the rejection of the bail application the charge sheet has been filed and the documents and the evidence collected by the prosecution would show that the mandatory provisions under the NDPS Act have not all being duly verified at the time of seizure. He further submits that the applicant has already remained in custody for a period of about 5

months and considering the quantity of contraband seized, he should be released on bail.

4. The State counsel however opposing the bail application submits that material witnesses are all yet to be examined, except for one who has been examined and that the present applicant can also be convicted on the evidence of the Investigating Officer and therefore prayed for rejection of the bail application.
5. Considering the entire facts and circumstances of the case and taking into account the quantity of contraband seized and also the fact that the evidence is already under process and material witnesses are being examined, this Court is of the opinion that it is not a fit case to be released on bail at this juncture, accordingly the same stands rejected. However, it is directed that the trial Court should make all efforts for an expeditious conclusion of the trial.

Sd/-
(P. Sam Koshy)
Judge

Ved