

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2232 of 2018**

1. Alimul Mallick S/o Ibrahim Ali, aged about 31 years, R/o- Village- Patarsan, Post Office, Police Station and Tahsil- Deenhata, District- Kuchbihar (West Bengal)
2. Kunna Acharayajai S/o Mrityunjai Acharayajai, aged about 20 years, R/o- Village- Jawagarh, Post Office, Police Station and Tahsil- Machkum, District- Korapur, (Odisha)

**---- Applicants****Versus**

State of Chhattisgarh through- the Station House Officer, Police Station- Ganj, District- Raipur, Chhattisgarh

**---- Respondent**


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| For Applicants       | : | Shri Shivendu Pandya, Advocate |
| For Respondent/State | : | Shri Lav Sharma, Panel Lawyer  |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****27/03/2018**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 27.03.2017 in connection with Crime No. 138/2017 registered at Police Station Ganj, District Raipur (CG) for the offence punishable under Section 20(B) of NDPS Act (as per charge sheet) and the learned trial Court framed charge u/s 20 (ii) (C) against applicant no.1 and under Section 20 (ii) (B) of NDPS Act against applicant no.2.

2. The earlier bail application stood rejected as withdrawn with liberty to revive the same after the material witnesses are examined vide order dated 20.11.2017 in MCRC No. 4872 of 2017. After examination of the seizure witnesses, the present bail application has been filed.

3. Counsel for the applicants submits that the two seizure witnesses examined before the trial Court have not supported the case of the prosecution and turned hostile. Hence, prayed for grant of bail to the applicants.

4. State counsel, however, opposing the bail application submits that there are two persons involved in the offence and together they were carrying more than 32 Kg. Ganja. He further submits that the case of prosecution is still to be proved by the departmental witnesses as in most of the NDPS cases, the seizure witnesses do not support the case of the prosecution. Thus, prayed for rejection of the bail application.

5. Considering the facts and circumstances of the case, particularly taking note of the quantity of contraband seized and also the fact that the applicants are in jail only since 27.03.2017, this Court is not inclined to grant bail to the applicants at this juncture.

6. Accordingly, the present application filed under Section 439 CrPC for grant of bail stands rejected.

7. However, the trial Court is directed to ensure taking all necessary steps for calling upon the witnesses and concluding the trial at the earliest.

**Sd/-**  
**(P. Sam Koshy)**  
**JUDGE**