

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2858 of 2018

Rakesh Kumar Gupta, S/o Late Gulabchand Gupta, aged about 44 years,
R/o Village Patharra Circle, Kotmi, P.S. Pendra, Thana Pendra, District
Bilaspur (C.G.) ---- **Petitioner**

Versus

State of Chhattisgarh, through Police Station – Pendra, District Bilaspur
(C.G.) ---- **Respondent**

For Applicant : Mr. Amit Kumar, Advocate.
For Non-applicant : Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/04/18

Heard.

2. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 181/2017 registered at Police Station – Pendra, District Bilaspur (C.G.) for the offence punishable under Sections 20-B (ii-B) of the NDPS Act, 1985 and 34(1)(A)/(2) of the Excise Act, 1944.
3. The applicant's first bail application was dismissed as withdrawn by order of this Court dated 15.11.2017 passed in M.Cr.C. No. 6702/2017.
4. Case of the prosecution, in brief, is that about 5 Kgs of Cannabis (ganja) was seized by the police from the present applicant. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is in custody since 13.07.2017 and charge-sheet has been filed and the statements of the witnesses are being examined and the trial is likely to take some time for its final disposal, therefore he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; and the fact that about 5 kgs of Cannabis (ganja) was found in possession of the present applicant, I do not find any new good ground or any change in the circumstances of the case to entertain this second bail application. Consequently, the second bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

Priyanka