

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5472 of 2018

Sukhu Mistri @ Sukhu Bangali, S/o. Ramesh Mistri, Aged About 30 Years,
R/o. Near Pig (Suar) Form, Sargawa, Police Station Gandhinagar, Civil
And Revenue District- Sarguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station-
Gandhinagar, Civil And Revenue District- Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Chandra Bhushan Kesharwani, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.08.2018

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.231 of 2017 registered at Police Station- Gandhinagar, District Sarguja (C.G.) for the offence punishable under Section 21(b) of the N.D.P.S. Act. The first bail application was dismissed as withdrawn on 04.04.2018 with liberty to repeat the same after examination of the seizure witness.
2. As per the prosecution case, on 18.07.2018 from the possession of the present applicant alongwith other co-accused, total 12.500 Kg of Brown Sugar was recovered.
3. Learned counsel for the applicant submits that the first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness on 04.04.2018 and now the seizure witness have been examined and they have not

supported the case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier order. The first bail application was dismissed on 04.04.2018 and at this stage, evaluating the statement of the seizure witness would amount to usurp the power of the trial Court. Considering the period after dismissal of the first bail application, I do not find any reason to go into the merit of this case, as it may have the affect of influence in trial. Under the circumstances, I am not inclined to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge