

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5593 of 2018

Shrawan Maher, S/o. Shri Dashrath Maher, Aged About 33 Years, R/o-
Village Checheiguda, Police Station Junagarh, District- Kalahandi
(Odissa)

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station
Kotwali, Civil & Revenue District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.08.2018

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.240 of 2017 registered at Police Station- Kotwali, District Gariyaband (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act. The first bail application was dismissed on merit on 26.03.2018 in MCRC No.576 of 2018.
2. As per the prosecution case, on 19.12.2017 a Car bearing registration No.C.G.04 HD 5055 having been intercepted and checked wherein from the applicant alongwith other co-accused 17.800 Kg of Cannabis were recovered.
3. Learned counsel for the applicant submits that three witnesses 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, which was dismissed on merit. Considering the fact that earlier bail application was dismissed on 26.03.2018, I do not find any reason to reconsider the instant second bail application within a short period of time as the applicant is said to be in custody since 19.12.2017 and no exorbitant delay has been caused, which can be attributed to delay in trial.
6. Accordingly, the instant second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge