

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6576 of 2018**

Nazim Malik S/o Sharif Malik Aged About 28 Years Caste- Musalman  
R/o- Village Pansoda, P.S. Sahibbad, District- Ghaziabad (U.P.).

---- Applicant

Versus

State Of Chhattisgarh Through- P.S. Vishrampuri, District-  
Kondagaon, Chhattisgarh.

---- Respondent

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| For the Applicant | : | Shri Amit Kumar, Advocate         |
| For the State     | : | Shri Satish Gupta, Govt. Advocate |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****22/10/2018**

1. This is the Second Bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court. His earlier bail application was rejected on 30/04/2018 by this Court and prima facie considering the merits of the case.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.03/2017 registered at Police Station Vishrampuri, District Kondagaon (C.G.) for the offence punishable under Section 20 B of NDPS Act.
3. Case of the prosecution, in brief, is that on 03/01/2017, Inspector Santosh Kumar Bhuarya received information from the informant, on the strength of which he reached near a bridge of village Beerapur main road, District Kondagaon and stopped/blockaded a silver Honda City Car bearing No. DL-2-FFH 6666. The applicant and other co-accused Abdul Kadir were present in the vehicle. The said officer found 42 packets of Ganja weighing 90.167 kg. in the dickey of the car.
4. Counsel for the applicant submits that applicant is innocent and falsely

implicated in the present case and has not committed any offence. He further submits that the applicant is innocent and has no criminal antecedent, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no previous antecedents against the applicant.
6. Counsel for the applicant further submits that seizure witnesses have been turned hostile.
7. There is no change of circumstance which may entitled the applicant to get the benefit of Section 439 of CrPC, thus the second bail application is deserves to be dismissed.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde