

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6629 of 2018

Shashibhushan Shukla S/o Baccha Shukla Aged About 38 Years R/o
Sirsa Jalialpur, Post Sonauli, P.S. - Masrakh, District - Chappra
Saran, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through - The Police Station Keshkal, District -
Kondagaon, Chhattisgarh.

---- Respondent

For applicant - Shri Sushil Dubey, Advocate.
For Respondent/State –Shri Aditya Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/10/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 21/03/2018 vide M.Cr.C. No.340/2018
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.77/2017 registered in Police Station Keshkal, District Kondagaon (C.G.) for offence punishable under section 20 (B) of NDPS Act, 1985.
3. As per the prosecution case, on 26/06/2017, the police intercepted the Maruti Swift Car bearing Regn. No.DL-05 CD/6813 and on search being made, huge quantity of 76 kgs and 180 grams of cannabis was recovered from the said vehicle wherein the applicant was inmate.
4. Learned counsel for the applicant submits that seizure witness in this case has been examined, they have not supported the case of the prosecution and further investigating officer and IO are one and same, therefore investigation is faulty. He further submits that there is no compliance of Section 57 of the NDPS Act. He submits that out of 9

witnesses, 5 witnesses have already been examined, the applicant is in jail since 26/06/2017, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. It is for the trial court to evaluate the evidence with the other facts which are on record, it would not be proper for this court to evaluate the statement of the seizure witnesses who have not supported the case, IO is still to be examined. Taking into fact that out of 9 witnesses, 5 witnesses have been examined, I do not find any change of circumstances to reconsider this second bail application.

7. Accordingly, the second bail application is dismissed. However, the learned trial court is requested to expedite the trial.

Sd/-

(Goutam Bhaduri)

JUDGE