

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7368 of 2018

Kamlesh Kumar S/o Late Harish Chand Aged About 56 Years Cast
Kushwah R/o Dahiya Tola Police Station Town District Chhapra
Bihar

---- Applicant

Versus

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

---- Respondent

For applicant - Shri R.K. Jain, Advocate.
For Respondent/State –Shri Aditya Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/10/2018

1. 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 (ii) B of NDPS Act, 1985.
2. 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.
3. 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.
4. Learned State counsel opposes the prayer for grant of bail.

5. 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, this court is not inclined to evaluate the case on merits.

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

Sd/-

(Goutam Bhaduri)

JUDGE