

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7910 of 2018

1. Sanjay Satpute, S/o. Dilip Rao, Aged About 23 Years, R/o. Sindhi Meghe Ramnagar, P.S. Ramnagar, District Wardha, Maharashtra
2. Ankit Namdev Wahe, S/o. Namdev Rao Wahe, Aged About 19 Years, R/o. Tukara Pas Ramnagar, District Wardha, Maharashtra
3. Smt. Rekha Hiwrade, W/o. Prabhakar Hiwrade, Aged About 45 Years, R/o. Aaravi Naka Near Masjid Indira Nagar City, P.S. Wardha, District Wardha, Maharashtra
4. Smt. Mona Chikhalkar, W/o. Shobhit Chikhalkar, Aged About 22 Years, R/o. Krishna Nagar, Shastri Chowk Ramnagar, P.S. Ramnagar, District Wardha, Maharashtra

---- Applicants

Versus

State Of Chhattisgarh, Through The Police Station Farasgaon, District Kondagaon, Chhattisgarh

---- Respondent

For Applicants : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.10.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.99/2017 registered at Police Station- Farasgaon, District Kondagaon (C.G.) for the offence punishable under Section 20(b) of Narcotic Drugs & Psychotropic Substance Act, 1985.
2. As per the prosecution case, when the Car bearing No.M.P.-18-C-6878 was intercepted, from the possession of the present applicants, total 169.120 Kg. Cannabis were recovered.

3. Learned counsel for the applicants submits that the seizure witness in this case have been examined and they have not supported the case of the prosecution; therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case, taking into quantity of the Cannabis so seized and further considering the fact that most of the material witness have been examined, at this stage, it would not be proper for this Court to evaluate the statement and give any finding, as it will amount to usurp the power of the trial Court while hearing the bail application. It is for the trial Court to adjudicate the same when the other evidences are placed before it. In view of this, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge