

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 667 of 2019

- Ramadhar Rathore S/o Ramesh Prasad Rathore Aged About 26 Years R/o Village Thondipani, Police Station Jathari, District Anuppur M. P., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Koni, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Vikash Pandey, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.02.2019

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed in default by this Court on 10.05.2018 in MCRC No. 2709 of 2018 and second bail application of the applicant was dismissed by this Court on 24.07.2018 in MCRC No. 5234 of 2018 considering the materials available on record.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 282/2015 registered at Police Station – Koni, District Bilaspur (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
4. Case of the prosecution, in brief is that on 19.12.2015 the police constable Nirmal Bhose posted at Police Station Koni, when he was on patrolling duty informed at Station House Officer, Koni that in village Sendari near bypass road square, one white car having without number is turned turtle on the road. Thereafter, TI Shri G.R. Diwan reached there and searched the car. At the time of searching of the said car, 01 quintal 6 kg 400 gm packets of cannabis were seized. During the investigation, it was found that the vehicle was purchased by the present applicant.
5. Learned counsel for the applicant argued that he is in jail since 3.10.2017. Seizure witnesses have turned hostile in the case in hand. Thus, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Turing hostile of seizure witnesses is not a sole ground to release the accused on bail in subsequent round. There is no change in circumstances.
8. Accordingly, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE