

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 636 of 2019**

1. Onkar Gore, S/o Shri Vishvaji Gore, aged about 20 years, R/o Chodi, P.S. Jamkheda, District Ahamadnagar, Maharashtra, District Ahamadnagar Maharashtra.
2. Duttatray Ghumer, S/o Vitthal Ghumare, aged about 42 years, R/o Mahijalgaon, P.S. Karjat, District Ahamadnagar, Maharashtra, District Ahamadnagar Maharashtra. **---- Applicants**

Versus

State of Chhattisgarh, through Police Station Keshkal, District Kondagaon (CG). **---- Non-applicant**

For Applicants	: Mr. Rajat Agrawal, Advocate
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.02.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.31/2018 registered at Police Station Keshkal, District Kondagaon for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.
2. The first bail application of the applicants was dismissed as withdrawn by this Court vide order dated 13.11.2018 passed in M.Cr.C. No.7104/2018.
3. Case of the prosecution in brief is that on 20.02.2018 Inspector Rajesh Jagat seized 225.330 kg cannabis from the joint possession of the applicants.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the case. He further submitted that in the case in hand, the Informant and Investigating Officer are the same persons hence investigation vitiated. The independent witnesses of the seizure have been turned hostile hence they may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he further submitted that no criminal antecedent

is reported against the applicants in police case diary.

6. What would be effect if Informant and Investigating Officers are the same persons may be considered by the trial Court at the time of appreciation of evidence.
7. The turning hostile of the independent witnesses is not a sufficient ground to enlarge the applicants on bail.
8. Looking to the above facts and circumstances of the case and looking to the huge quantity of seized cannabis, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-