

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C No. 1519 of 2019**

Santosh Kumar Patel, S/o Late Tulsidas Patel, aged about 29 years,
R/o Dubgaon, PS- Mauganj, District- Rewa, M.P.

---Applicant in Jail

Versus

State of Chhattisgarh, Through Police Station – Kondagaon, District –
Kondagaon, Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. Vishnu Koshta, Advocate
For State	:	Mr. Sumit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

14/03/2019

1. Heard.
2. The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 2/2017 registered at Police Station Kondagaon, District Kondagaon for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act (henceforth "NDPS Act").
3. Applicant's first bail application was dismissed as withdrawn vide order dated 02/07/2018 passed in M.Cr.C No. 4421 of 2018.
4. Case of the prosecution, in brief, is that 36.880 kgs of contraband article ganja was recovered from the possession of the applicant.
5. Learned counsel for the Applicant submits that Sections 42 and Section 50 of the NDPS Act have not been complied with while making seizure of the

alleged Ganja and seizure witnesses have been examined and they turned hostile, therefore, the applicant may be released on bail.

6. On the other hand, learned State counsel opposes the bail application.
7. I have heard learned counsel for the applicant and perused the case diary with utmost circumspection.
8. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, considering the quantity of Ganja i.e. 36.880 kgs recovered from the possession of the applicant and in view of Section 37 (1) (b) of the NDPS Act, I am not inclined to release the applicant on bail.
9. Accordingly, the second bail application of the applicant stands rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Hameet