

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1657 of 2019**

Narottam Chandrakar, son of Daduram Chandrakar, aged about 70 years, R/o Village Ratiya, P.S. Masturi, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Masturi, District Bilaspur (CG). **---- Non-applicant**

For Applicant	: Mr. Akhtar Hussain, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.03.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.373/2018 registered at Police Station Masturi, District Bilaspur for the offence punishable under Section 20(A) of NDPS Act.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 04.12.2018 passed in M.Cr.C. No. 7604/2018.
3. Case of the prosecution in brief is that on 31.08.2018 at about 09:10 hrs Sub Inspector H.R. Yadu posted at Police Station Masturi seized green cannabis plant weight 56.500 kg from the courtyard of the applicant.
4. Counsel for the applicant submitted that the applicant is a innocent person and has been falsely implicated in the present case. He further submitted that the applicant is aged about 70 years old. He is in jail since 31.08.2018 and he is suffering from heart disease. The seizure witnesses have been turned hostile before the trial Court hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. Though the seizure witnesses have been turned hostile before the trial Court, but yet now Investigating Officer has to be examined.
7. Mere turning hostile of seizure witnesses itself is not sufficient ground to release the applicant on bail in the second round of litigation.
8. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application of the applicant is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE