

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3082 of 2019**

Manish @ Praveen Gupta, S/o Shri Preamchand Gupta, aged about 30 years,
R/o Padariya, Thana Amarkantak, District Anuppur (MP). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Thana Borai, District
Dhamtari (CG). **---- Non-applicant**

For Applicant	: Mr. Mahesh Kumar Mishra, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.05.2019

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.29/2018 registered at Police Station Borai, District Dhamtari for the offence punishable under Section 20(B) of NDPS Act.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 01.02.2019 passed in M.Cr.C. No.9724/2018.
3. Case of the prosecution, in brief, is that on 03.10.2018 at about 11:50 hr at village Likhma, Inspector N.L. Mandavi seized 18 kg cannabis from the possession of the applicant.
4. Counsel for the applicant submits that all the independent witnesses have been examined by the trial Court, who turned hostile and have not supported the prosecution case thus the applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that one more case under IPC has been registered against the applicant in police case diary.
6. Merely turning hostile of independent witnesses is not a sole ground for release the applicant on bail in the second round of litigation.
7. Looking to the above 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 in the second round of litigation. Consequently, the second bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE