

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3101 of 2019

- Sudhanshu Nayak Deenbandhu Nayak, Aged About 39 Years R/o M. V. 85, Padamgiri, Police Station Malkhangiri, District Malkhangiri, Orissa., District : Malkangiri \*, Orissa

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

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|-------------------|-------------------------------------|
| For Applicant     | : Shri T.K. Jha, Advocate.          |
| For Non-applicant | : Shri Vikram Dixit, Govt. Advocate |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**17.07.2019**

1. This is second 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 Earlier, the first bail application of the applicant has been dismissed as withdrawn by this Court on 04.01.2019 in MCRC No. 8900 of 2018.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No.159/2018 registered at Police Station Mohan Nagar, Durg District-Durg (C.G.) for the offence punishable under Section 20B, 27(A) of the NDPS Act.
4. Case of the prosecution, in brief is that on 25.04.2018 at about 16:30 hours, near Bafna Toll Plaza, Durg police inspector Gopal Vaishya posted at police station Mohan Nagar seized 10 quintal 60 Kg 500 gm cannabis from the possession of the applicant.
5. Learned counsel for the applicant submits that the applicant has no criminal

background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. Learned counsel for the applicant further submits that the seizure witnesses have turned hostile during the examination before the trial Court, thus the applicant may be released on bail.
8. Mere turning hostile of the seizure witnesses is not itself sufficient ground to enlarge the accused on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to the huge quantity of the cannabis, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
**JUDGE**