

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3154 of 2019**

Mahendra Dhruv S/o Shri Sunil Dhruv Aged About 37 Years
R/o Near Advani School, Derapara, Police Station
Khamtarai, District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate,
Raipur , District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

---- Respondent

For the Applicant	:	Shri Pragalbha Sharma, Advocate
For the State	:	Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/07/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application was dismissed as withdrawn on 05/02/2019 in MCRC No.9807/2018.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.355/2018 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 02/07/2018 at Rawabhatha at 17.40 hours A.S.I. Ramesh Chandra Yadav posted at Police Station, Khamtarai seized 20 Kg. of cannabis from the dicky of the Wagon R bearing registration number C.G. 04 LW 0795. Applicant, co-accused Devraj Nag, Baisakhu Dhruv, Ajuba Uike were present in that car.

4. Counsel for the applicant submitted that six witnesses have been examined in the trial Court who turned hostile and did not support the prosecution case. He further submitted that applicant is in jail since 02/07/2018, alleged cannabis is not seized from the exclusive possession of the applicant, thus he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. *Prima facie* it cannot be said that alleged cannabis was not seized from the exclusive possession of applicant and other co-accused.
7. Mere turning hostile of seizure and other witnesses is itself not sufficient ground to enlarge on bail to the accused in the second round of litigation.
8. In the case in hand looking to the facts and circumstances of the case, detention period is not a sufficient to enlarge on bail to the applicant in second round of litigation.
9. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge