

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3535 of 2019**

- Pawan Kumar S/o Ashok Kumar Aged About 24 Years R/o Village Balhera, Post Office Malpura, Police Station City Kotwali, Malpura, District Agra (U.P.) Mo. 9568789511

---- Applicant

Versus

- State Of Chhattisgarh Through G.R.P. Raipur, District - Raipur Chhattisgarh

----Non Applicant

For the Applicant : Mr. C.R. Sahu, Advocate

For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.07.2019**

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 Earlier, the first bail application of the applicant was dismissed as withdrawn by this Court on 08.02.2019 in MCRC No.551 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.201/2018 registered at Police Station- G.R.P. Raipur, District- Raipur (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
4. Case of the prosecution in brief is that on 09.07.2018, at about 10:30 hours, in platform no. 1 at Durg, ASI Gopi Singh Pekra seized 14 kg cannabis from the possession of the applicant.

5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may 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. Counsel for the applicant further submits that in the case in hand seizure witnesses have turned hostile and this circumstance is sufficient to enlarge the applicant on bail.
8. Mere turning hostile of seizure witnesses is not itself a sufficient ground to enlarge the accused on bail.
9. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to grant the bail to the applicant. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul