

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5256 of 2019**

- Pintu Goswami S/o Ashwani Goswami Aged About 28 Years R/o Bramhadehi Para, Police Station Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, Civil And Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Shri A.D. Kuldeep, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2019**

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 rejected by this Court on 31.01.2019 in MCRC No. 285/2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 531/2018 registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 20-B of the NDPS Act.
4. Case of the prosecution, in brief is that on 29.09.2018, Shiv Kumar Dhruw, Sub-Inspector posted at police station Khamtarai seized 2.00 kg cannabis from the possession of the applicant.
5. Learned counsel for the applicant argued that that seizure

witnesses PW1 Mohd. M.D. Subhan, P.W.2 Vikash Chouhan have been examined in the trial Court, they did not support the prosecution case, turned hostile, thus, he may be released on bail. He drew my attention on the certified copy of the statements of P.W,1 Mohd. M.D. Subhan and P.W. 2 Vikash Chouhan.

6. On the other hand, learned counsel for the State opposes the bail application. He further submits that 06 other criminal cases, out of which 02 cases under Cr.P.C. and 02 cases under IPC and 02 cases under Excise Act have already been registered against the applicant.

7. Earlier the first bail application of the applicant was rejected by this Court considering the prima facie case against the applicant and looking to this fact that 06 other criminal cases have been registered against him.

8. Mere turning hostile of the seizure witnesses itself is not a sufficient ground to enlarge the accused on bail. Moreover, in the case in hand Investigating Officer is to be examined, there is no change of the circumstances on the strength of which applicant may be enlarged on bail in second round of litigation .

9. Consequently, the present bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE