

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7315 of 2018**

- Mr. Mohd Safi S/o Shri Nafis Ahmad Aged About 27 Years R/o Village - Sakin E-16,B-260, T-Huts, Near Ramjanya Masjid, New Silampur, North East, New Delhi., District : North East , Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District - Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri Nitansh Kumar Jaiswal, Advocate.

For Non-applicant : Shri N. Sharma, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.01.2019**

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. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.67/2017 registered at Police Station Farasgaon, District Kondagaon (C.G.) for the offence punishable under Section 20(B)(ii) (स) of NDPS Act, 1985.
3. Case of the prosecution, in brief is that on 18/07/2017 Sub Inspector Krishna Patle and their staff received information from informer that one person is coming from Jagdalpur to Farasgaon in vehicle bearing No. DL-12-CA-1930 keeping cannabis. On such information Sub Inspector Krishna Patle seized 110 Kg. And 134 Grams of cannabis from the aforesaid vehicle. The vehicle was in possession of the applicant. The seizure was took place on very day by 17:30 hours in front of Police Station, Farasgaon.

4. Learned counsel for the applicant submitted that seizure witnesses have turned hostile, Investigating Officer and informant is the same person. Applicant is in jail since 18.07.2017, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Earlier, the first bail application of the applicant has been rejected by this Court on 16.07.2018 in MCRC No. 3713 of 2018 considering the merits of the case.
7. If allegedly the seizure witness have turned hostile, then it is not a ground to grant bail. What would be the effect if Investigating Officer and informant is same person, would be considered by the trial Court at the time of disposal of the case. There is no change in the circumstance which may entitle the applicant to get the regular bail in second round.
8. Accordingly, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE