

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7683 of 2018**

Mohan Kharsel S/o Sukharu Kharsel Aged About 23 Years R/o Village Baldiyamal, Police Station Junagarh, District - Kalihandi, Orissa., District : Kalahandi, Orissa .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Grp, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

|                   |   |                                |
|-------------------|---|--------------------------------|
| For the Applicant | : | Smt. Anju Ahuja, Advocate      |
| For the State     | : | Shri Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****29/04/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no 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.147/2018 registered at Police Station GRP Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 20(B)(ii-C) of NDPS Act.
3. Case of the prosecution, in brief is that on 03/06/2019 at about 19.05 hours at Platform No. 2 – 3 near the Book Stall, Bilaspur Sub Inspector Oscar Minz seized 25 Kgs. Cannabis from the trolley bag which was carried by applicant.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall 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. Counsel for the applicant further submitted that applicant is in custody since back 03/06/2018 and not a single witness examined by the trial Court. Alleged seizure witnesses are the resident of Chingrajpara and Chuchuiyapara respectively, police official not made any persons witnesses of seizure which were available on the platform. There is a

contradiction in statements of seizure witnesses recorded by the Police, thus applicant may be released on bail.

7. The aforesaid circumstances raised by counsel for the applicant are the subject matter of the scrutiny of evidence. It is well established principle that at the time of dealing the bail application this Court neither scrutinize nor appreciate the evidence. This Court also cannot consider the merits and demerits of the case.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

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

Kamde