

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9958 of 2018

Bhushan Marathe, S/o Ashok Marathe, aged about 27 years, R/o Kasoda Tadai Road, Near Jagdamba Temple, Kasoda, District Jalgaon Maharashtra. --- **Applicant**

Versus

State of Chhattisgarh, through Police Station Kondagaon, District Kondagaon (CG).
 ---- **Non-applicant**

For Applicant : Mr. Dilman Rati Minj, Advocate

For Non-applicant : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.1.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.14/2018 registered in Police Station Kondagaon, District Kondagaon for the offence punishable under Section 20(B)II(b) of NDPS Act.
3. Case of the prosecution, in brief, is that on 12.01.2018 at about 16.00 hrs. in front of police station Kondagaon, Sub Inspector Pramod Kashyap posted at police station Kondagaon seized 100.610 kg cannabis from the applicant and co-accused Sanjay Khilo and Joseph.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that independent witnesses of seizure have turned hostile in trial court hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. He further submitted that no criminal antecedent reported against the applicant in police case diary.
6. Yet, the Investigating Officer has to be examined. Mere becoming hostile of independent witnesses of seizure is not itself a ground for releasing the applicant on bail.
7. Looking to the facts and circumstances of the case, looking to the huge quantity of cannabis seized from the possession of the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-