

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2622 of 2021**

Kamlesh Jaiswal, S/o Late Shyam Sunder Jaiswal,
Aged about 45 years, R/o Gadaripara, Chirmiri,
Distt. Koriya, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Station House
Officer, Police Station- Patna, Distt. Koriya,
Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Vijay Kumar Sahu, Advocate
For State :- Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

27/08/2021

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 07/2020, registered at Police Station-Patna, District Koriya (C.G.), for the offence punishable under Section 20-B of NDPS Act. The first bail application filed by the applicant was dismissed as withdrawn with liberty to revive after examination of material prosecution witnesses.

2. Case of prosecution, in brief, is that 284 kgs of Ganja was seized from the possession of the applicant and he, thereby, committed the aforesaid offence.
3. Learned counsel for the applicant submits that after dismissal of the first bail application, seizure witnesses namely Sunil Kumar, Mahendra Rajwade, Babulal, Rajesh Kumar and Sohrab Ali have been examined and they have not supported the case of prosecution and there is non-compliance of Section 50 of the NDPS Act, as such, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, the facts and circumstances of the case and further considering the statement of the witnesses and that the quantity seized is more than commercial quantity in view of the provisions contained under Section 37(1)(b) of the NDPS Act, I do not consider it a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under
Section 439 of the Cr.P.C. is dismissed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet