

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2828 of 2021

Bheem @ Indrajeet Kaushik S/o Nandkumar Kaushik Aged
About 27 Years R/o Village Dagori, Tahsil And Police Station
Bilha, District - Bilaspur (C.G.) ---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Chakarbhata, District - Bilaspur (C.G.)
---- **Respondent**

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Respondent/State	:	Shri Anshuman Shrivastava, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27.08.2021

Heard.

1. This is repeat application for grant of bail.
2. Earlier bail application was rejected by this Court vide order dated 11.02.2021.
3. Learned counsel for the applicant would submit that as the applicant is being involved in the alleged commission of offence only as being supplier of drugs but the drugs have been seized from the possession of another person said to be associate or purchaser of the present applicant, the applicant may be granted bail because in such cases the statement of the co-accused cannot be used against the applicant except for the limited purposes stated under Section 27 of the Indian Evidence Act. In this regard, he is relying upon the judgment of the Hon'ble Supreme Court in the case of Tofan Singh Vs. State of Tamil Nadu, 2021(4) SCC 1.
4. On the other hand, learned State counsel opposes the prayer and submits that the application has been considered and rejected

taking into consideration the provision contained in Section 37(1)(b) of NDPS Act.

5. Considering the submission that the application has earlier been considered and rejected on merits by holding that no case is made out and that the applicant is prima facie involved in terms of provision contained in Section 37(1)(b) of NDPS Act.

6. The bail application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha