

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4950 of 2021**

Chhatradev Singh S/o Tej Bahadur Singh, Aged about 24 years, Student (wrongly mentioned as Occupation vegetable Transporter in the earlier bail application) R/o Village Ror (wrongly mentioned as Role in the order sheet) Police Station Raipur Karchuliyan (wrongly mentioned as Kacchuliyan in the order sheet), Tahsil Raipur Karchuliya (wrongly mentioned as Gudh in the order sheet), Distt. Rewa, Madhya Pradesh.

---Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Kawardha, Kabirdham, Chhattisgarh, Station House Officer, Police Station Bodla, Distt. Kabirdham, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Dharmesh Shrivastava, Advocate
 For State :- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/11/2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 39/2020, registered at Police Station - Bodla, District

Kabirdham (CG), for the offence punishable under Section 20(b) of the NDPS Act.

2. The first bail application filed by the applicant was dismissed as withdrawn with liberty to file afresh after the examination of material prosecution witnesses.
3. Case of the prosecution, in brief, is that the applicant along with one co-accused was found to be in possession of 82 kgs of ganja and thereby, he committed the aforesaid offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would also submit that the prosecution witnesses namely Lekhram Sahu and Dhannu Vishwakarma have been examined and they have not supported the case of the prosecution. He would further submit that the applicant is in jail since 08/03/2020 and no purpose would be served in keeping him in jail, as such, the applicant be released on bail.
5. On the other hand, learned counsel for the State would oppose the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that the quantity of ganja seized is more than commercial quantity, I am not inclined to grant bail to the present applicant in view of the provisions contained under Section 37(i)(b) of the NDPS Act. However, the trial Court is directed to expedite the trial.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet