

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6068 of 2021

Mo. Yasin Khan S/o Noor Mohammad Aged About 32 Years R/o
 Ward No. 3, Kushmi, PS- Kushmi, District- Balrampur-
 Ramanujanj, CG

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police
 Station- Kushmi, District- Balrampur- Ramanujanj, CG

---- Respondent

 For Applicant : Shri Jitendra Shrivastava, Adv.
 For respondent/State : Shri Wasim Miyan, PL.

Hon'ble Shri Justice NK Chandravanshi

Order on Board

20-9-2021

1. This is 2nd bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 18-8-2020 in connection with Crime No. 108/2020 (Special Sessions Trial No. 14/2020) registered at Police Station Kushmi, Distt. Balrampur at Ramanujanj (C.G.), for the offence punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The first bail application of the applicant bearing MCRC No. 64/2021 was dismissed as withdrawn on 10-5-2021.

3. Facts of the case, in brief, are that from possession of the applicant, 170 bottles of contraband article MAHAREX cough syrup each containing 100 ml, and 80 bottles of ONEREX cough syrup each containing 100 ml, total 250 bottles, were seized, thereby the applicant committed said offence.

4. Learned counsel for the applicant submits that the applicant is in jail since 18-8-2020. Out of 18 witnesses, only two witnesses, who are witnesses of seizure, have been examined and they have not supported the prosecution case. It will take a long time for examination of other witnesses, and looking to the hostility of seizure witnesses, the applicant may be enlarged on bail.

5. On the contrary, learned State counsel opposes the application for grant of bail mentioning that material witnesses are yet to be examined. Contraband articles seized from the possession of the applicant are more than commercial quantity. Only on the basis of non-supporting of two seizure witnesses, the applicant is not entitled for grant of bail. Therefore, the application may be rejected.

6. Taking into consideration the submissions of learned counsel for the parties, particularly the nature and gravity of allegations against the applicant, I am not inclined to allow the bail application.

7. Accordingly, the second bail application is dismissed. However, the trial Court is directed to expedite the trial and conclude the same as early as possible.

**Sd/-
(NK Chandravanshi)
JUDGE**

Pathak/-