

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.6072 of 2021**

- Dharmendra Goswami, S/o Shri Elam Giri Goswami, Aged About 24 Years, R/o Khutiyanihar, Police Station Jora, District Morena, Madhya Pradesh (Fathers Name Wrongly Mentioned In Earlier Bail Application MCRC3463/2020)

**----- Applicant**

**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Bodhghat (Jagdalpur) District Bastar, Chhattisgarh

**----- Respondent**

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For Applicant

Dr. N. K. Shukla, Senior  
Advocate with Ms. Rashika  
Soni, Advocate

For Respondent-State

Mr. Siddharth Dubey, Dy. GA

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**Hon'ble Justice Shri Sanjay K. Agrawal**

**Order On Board**

**03/09/2021**

1. Proceedings of this matter have been taken up through Video Conferencing.
2. 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.283/2019, registered at Police Station Bodhghat, Jagdalpur, District Bastar (C.G.), for the offence punishable under Section 20 (b) (ii) (c) of the NDPS Act.

3. The first bail application of the applicant was dismissed as withdrawn on 28.09.2020 in MCRC No.3463/2020.
4. The case of the prosecution, in brief, is that 249 kg ganja was recovered from the possession of the applicant and thereby the applicant committed the offence.
5. Learned Senior counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He would further submit that the applicant is in jail since 12.11.2019 and four material witnesses have become hostile, therefore, the applicant may kindly be released on bail.
6. Learned State counsel would oppose the bail application.
7. I have heard learned counsel appearing for the parties and perused the case diary.

8. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the quantity of ganja of 249 kg recovered from the possession of the applicant and in view of Section 37 (1) (b) of the NDPS Act, I am not inclined to release the applicant on bail.
9. Accordingly, the second bail application is dismissed. However, the Trial Court is directed to expedite and conclude the trial.

Sd/-  
Sanjay K. Agrawal  
Judge

Nirala