

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6930 of 2021**

1. Yashwant Kumar S/o Indra Ram Aged About 53 Years R/o Gohara, Post Office Baihar, District Balaghat, Madhya Pradesh
2. Bharat Kumar Dhiwar S/o Raghunath Aged About 27 Years R/o Dindayal Colony, H. No. 31 (C) Mangla, Civil Line District Bilaspur, Chhattisgarh.,

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Singhoda, District Mahasamund, Chhattisgarh

---- Respondents

For Applicants	:	Shri Ritesh Verma, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/12/2021**

Heard.

1. The applicants have been arrested in connection with Crime No.122/2019 registered at Police Station – Singhoda, District - Mahasamund (C.G.) for alleged commission of offences under Section 20-B (II) (C) and 29 of the NDPS Act, 1985.
2. This is second bail application. First bail application was dismissed as withdrawn on 28/09/2020 with liberty to revive after material witnesses are examined.
3. Learned counsel for the applicants submits that the prosecution witnesses mainly Reshamlal (PW3) and Jitendra Mehar (PW4) have been examined but they have not supported the case of the prosecution. Therefore, it is submitted that in the light of decision of the Supreme Court in the case of

Gorakh Nath Prasad v. State of Bihar, AIR 2018 SC 704, the applicants may be granted bail.

4. Learned State counsel submits that from the possession of the applicants about 102 Kgs of *ganja* in 102 packets were recovered and Section 37 (1) (b) of the NDPS Act would be attracted. Therefore, the bail application may be rejected.

5. I have heard learned counsel for the parties, considered their rival submissions made herein above and also went through the records with utmost circumspection.

6. True it is that the prosecution witnesses have firstly not supported the case of the prosecution but taking into consideration that Section 37 (1) (b) of NDPS Act is attracted and other prosecution witnesses are yet to be examined, particularly considering the quantity of *ganja* recovered i.e. 102 Kgs, present is not a fit case for grant of bail. The application is, accordingly, rejected.

Sd/-
(**Sanjay K. Agrawal**)
Judge