

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7243 of 2021**

Rameej Raza S/o Shekh Kasim Aged About 31 Years R/o Renuka
Kirana Store, 9-A, Deepak Nagar, Surendragadh, Katol Road, Thana
Gitti Khadan, District Nagpur Maharastra

---- Applicant**Versus**

State of Chhattisgarh through P. S. Nagarnaar, District Bastar CG

---- Non-applicant

For applicant	Mr. Santosh Bharat, Adv.
For non-applicant/State	Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****26-10-2021**

1. As per applicant, this is second bail application under Section 439 of the Criminal Procedure Code preferred by him before this Court and no bail application is pending before any other court. His first bail application M.Cr.C. No. 830/2021 was dismissed as withdrawn by this bench vide order dated 13-7-2021.
2. The applicant has been arrested in connection with Crime No. 100/2020 registered in police station Nagarnaar, Distt. Bastar, (CG) for offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Brief facts of the case are that on secret information received by the police officials of PS Nagarnaar, they stopped vehicle Bolero Pick-up bearing registration No. MH 38 X 0801, in which applicant and other co-accused were transporting 109 kg contraband article Ganja, which was seized from the possession of the applicant and other co-accused from the said vehicle. FIR was lodged against the applicant and co-accused. After due investigation, charge sheet for the aforesaid offence was filed, which is pending before the trial Court.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and allegation against him is baseless. He next submits that co-accused of this case has been granted bail by the coordinate bench vide order dated 25-8-2021 passed in MCRC No. 4937/2021, seizure witnesses have been examined in the trial Court but they have not supported the prosecution case. Hence, the applicant may also be enlarged on bail.

5. On the other hand, the State Counsel opposes the bail application submitting that huge quantity of contraband Ganja has been seized from possession of the applicant and other co-accused, which is more than commercial quantity. He also submits that out of 12 witnesses, 5 witnesses have been examined in the Court, copies of their statements have been filed by the applicant, police officials have supported the case of prosecution in their Court statements, therefore, looking to the seizure of huge quantity of Ganja, bail application is liable to be rejected.
6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. It is a case of illegal possession and transportation of 109 kg of contraband article Ganja by the applicant and other co-accused. Although search and seizure witnesses have not supported the case of the prosecution but police officials have supported the case of prosecution. Many witnesses have been examined. Looking to the nature and gravity of the offence and other circumstances, I do not feel inclined to allow the application for grant of bail.
8. Consequently, this second bail application preferred by the applicant is dismissed.

Sd/-
(N.K. Chandravanshi)
Judge