
(2018) 09 CHH CK 0362

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 6756 Of 2018

Satish Kumar Pradhan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Sept. 25, 2018

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(B)
- Code Of Criminal Procedure, 1973 - Section 311, 439

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Rajeev Kumar Dubey, RK Jaiswal

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is second bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 15-12-2016

in connection with Crime No. 392 of 2016 registered at Police Station Tarbahar, District Bilaspur (CG), for the offence punishable under Section

20(B) of the Narcotic Drugs and Psychotric Substance Act.

2. The First Bail Application was dismissed on 20.03.2017 vide M.Cr.C. No.1457 of 2017.

3. Case of the prosecution, in brief, is that on 15-12-2016 on information being received that the applicant was carrying cannabis in the car, the car

was intercepted and from the said car 55 kgs of cannabis were recovered and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that after the statement of the accused on 02.05.2018, again application was filed by the prosecution

under Section 311 of the Cr.P.C., which was allowed and again the case has been reopened and till date no further evidence has been led by the

prosecution and the applicant is in jail since 15.12.2016, therefore, he may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the order-sheet dated 02.05.2018, 09.05.2018 and 10.05.2018, which shows that after closure of the statement of the prosecution witnesses

again the application to re-examine the witnesses is allowed. In view of this under the changed circumstances and also considering the fact that the

applicant is in jail since 15.12.2016, I am inclined to release the application on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date

given by the said Court.