
(2018) 08 CHH CK 0203

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5505 Of 2018

Mo. Wahid

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 21, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 22(G), 52(2)

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Badruddin Khan, Ashutosh Pandey

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 14.08.2017 in connection with Crime No. 340/2017 registered at Police Station City Kotwali, Bilaspur (CG) for the offence punishable

under Section 22 (G) of the NDPS Act.

2. As per the prosecution case, on 14.08.2017 from the possession of the applicant and the other co-accused persons narcotic substance was found

and from the present applicant 1000 Nitrogen tablets and 1440 tablets of Spasmo tablets were found, which were containing the psychotropic substance.

3. Learned counsel for the applicant submits that there is gross violation of Section 52 (2) of the NDPS Act and the applicant has been falsely

implicated and even in the Malkhana no inventory was prepared, therefore, the applicant may be released on bail.

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

5. Perusal of the record shows that before the trial Court as many as 12 witnesses have been examined, therefore, at this stage evaluating the

statement of the witnesses would amount to usurping the power of the trial Court while hearing the bail and it is for the trial Court to consider the

merits of the case. Under the circumstances and considering the progress of the trial and the nature of the allegation, I am not inclined to release the

applicant on bail.

6. Accordingly, the bail application is dismissed.