

(2018) 08 CHH CK 0270

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 6177 Of 2018

Saddik Shah And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 24, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 21(B)

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Rajesh Jain, Syed Majid Ali

Final Decision: Dismissed

Judgement

P. Sam Koshy, J

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.96/2017 registered at Police Station

Keshkal, Kondagaon (C.G.) for the offence punishable under Section 20-B of the NDPS Act.

2. Present is a repeat bail application.

3. The earlier bail application stood rejected by this Court on 21/03/2018 on merits.

4. The repeated bail application has been moved by the applicants on the ground that, a couple of material witnesses has been examined before the

trial court, but they have not supported the case of the prosecution and have turned hostile.

5. According to the counsel for the applicants, there is all chance of the applicants being acquitted in the criminal case and that they are in jail since

09/08/2017 and as such they have remained in custody for about 1 year and thus prayed for releasing the applicants on bail.

6. The State counsel however opposing the bail application submits that, it is a case where a huge quantity of contraband - Gaanja was seized from the possession of the present applicants. He further submits that, this Court had already considered merits of the case while rejecting the earlier bail application and thus prayed for rejecting the same.

7. Having heard the contentions put forth on either side and on perusal of record, particularly, taking note of the observations made by this Court while dismissing the earlier bail application and also considering the quantity of contraband seized, this Court is of the opinion that the present applicants did not deserve bail at this juncture.

8. Accordingly, the instant MCRC stands rejected.

9. However, the trial court is directed to ensure that the trial is concluded at the earliest.