

(2018) 08 CHH CK 0338

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 6272 Of 2018

Hariom Dhakad And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 28, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(b), 37(1)(b)

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Kiran Jain, Avinash Singh

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

Heard.

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in

connection with Crime No. 117/2017 registered at Police Station Bhanpuri, District-Bastar (C.G.), for the offence punishable under Section 20-B of

Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act, 1985').

2. The applicants' first bail application was dismissed as withdrawn on 09.04.2018 passed in M.Cr.C. No. 210/2018.

3. Case of the prosecution, in brief, is that, about 83 Kgs of Cannabis (ganja) was seized from the possession of the present applicants.

4. Learned counsel for the applicants submits that applicants have been falsely implicated in crime in question and have not committed any offence.

He further submits that the seizure witness has not supported the case of the prosecution and the trial is likely to take some time for its final disposal, and no useful purpose would be served by detaining them in jail and, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case and looking to the huge quantity of cannabis (ganja) found from the possession of

the present applicants and in view of the provisions contained under Section 37(1)(b) of the NDPS Act, 1985, I do not consider it a fit case in which

the applicants should be enlarged on regular bail.

8. Accordingly, the second bail application filed by the applicants under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.