

(2018) 03 CHH CK 0019
In the Chhattisgarh High Court
Case No : MCRC No. 1434 of 2018

NAVEEN GUPTA @ KARFU

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 21(B)

Citation : (2018) 03 CHH CK 0019

Hon'ble Judges : GOUTAM BHADURI

Bench : Single Bench

Advocate : A.K. Yadav, Ashish Shukla

Final Decision : Dismissed

Judgement

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 502 of 2016 registered at Police Station-Kotwali (Chowki Mainpur) Ambikapur, District Sarguja (C.G.) for the offence punishable under Section 21(B) of NDPS Act.
2. The First Bail application bearing M.Cr.C. No.6588/2016 was dismissed on merits on 09.12.2016
3. As per the prosecution case, on 21.07.2016 during patrolling, the vehicle bearing No.MP 09 CP 9461 was stopped and after having checked in four cartons 100 ml of Biorax Syrup total 400 Bottles were found and from the present applicant 100 bottles of Biorax Syrup were recovered and he failed to produce any licence or documents; thereby the offence is alleged to have been committed.
4. Learned counsel for the applicant would submit that the applicant is in jail

since 21.07.2016 and the trial has not been concluded, therefore, the applicant may be enlarged on bail.

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

6. Considering the nature of allegations, the fact that the earlier bail application was dismissed on merits and the statement made at the bar that out of

13 witnesses 5 witnesses have been examined, I do not find that exorbitant delay has caused to reconsider this repeat bail application. Accordingly, the bail application is dismissed.