

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4462 of 2017**

Stephen Tigga S/o Shilbanos Tigga, Aged About 32 Years R/o Village
Haldijariya, Police Station Baghbahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station
Lundra, District Surguja, Chhattisgarh.

---- Respondent

For applicant	Mr. Jitendra Shrivastava, Adv.
For Respondent/State	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****9/8/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 19-12-2016 in connection with Crime No. 78/2016 registered in PS Lundra, Distt. Surguja (CG) for offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in brevity 'NDPS Act').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against 4 accused persons namely Sanjay Kujur, Tekeshwar Yadav, Bhuneshwar Yadav and the present applicant and the matter is pending before the Spl. Judge under NDPS Act, Surguja as Special Criminal Case (NDPS) No. 6/2016. Co-accused Sanjay Kujur and Tekeshwar Yadav are granted bail by the trial Court. Co-accused Bhuneshwar Yadav has not preferred any bail application as few other matters have also been registered against him. Learned counsel for the applicant submits that on 21-5-2016, one Alto car without any registration number was noticed in the forest and 1 kg and 257 g. of Ganja was recovered from the Dicky of the car thereafter police during investigation recorded memorandum statement of Sanjay Kujur on 9-12-2016 who was the registered owner of the vehicle and on the basis of said memorandum statement that present applicant was also with Sanjay Kujur and other co-

accused in the said car, police arrested the applicant on 19-12-2016. Learned counsel submits that nothing is seized from the applicant, he is not the owner of the vehicle and as two other co-accused are granted bail by the trial Court, the case of the present applicant is similar to that of other two bailed out co-accused and though earlier Crime No. 217/2016 was registered at police station Bhadrapara, Sitapur Distt. Sarguja under Section 20(b)(ii)(B) of the NDPS Act against the applicant but he has been granted bail by the coordinate bench in MCRC No. 1746/2017 vide order dated 14-6-2017. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and submits that as per memorandum of the co-accused Sanjay Kujur who was also present in the said car wherein 1.275 kg was recovered and the applicant has been arrested and also as one more matter aforementioned is registered against the applicant, looking to the entire facts, instant MCRC may be dismissed.
5. Perused the matter.
6. As the applicant is in jail since 7 months and 20 days till date, charge sheet is filed, trial may take some time, two other similarly situated co-accused have been granted bail by the trial Court, though earlier one matter is registered against the present applicant but he was granted bail by the coordinate bench, looking to the quantity of the Ganja so seized, long detention of the applicant and other facts, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the Special

Judge under NDPS Act, Sarguja CG for his appearance before the said Court regularly as and when directed by the said Court.

7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Lundra, Distt. Sarguja on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge