

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7266 of 2016**

- Ajay Das @ Lali S/o Shri Haridas, Aged About 22 Years R/o Rani Road, Purani Basti, Korba, Police Station City Kotwali, Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant:
For State:

Mr. Shailendra Dubey, Advocate
Mr. Ashish Shukla, Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30.01.2017**

1. This is third bail application filed under Section 439 of Cr.P.C. for grant of bail to the Applicant who stands arrested on 04.04.2014 in connection with Crime No. 74/2014 registered at Police Station –Tarbahar, District- Bilaspur for the offence punishable under Section 22 of the NDPS Act.
2. The first bail application of the applicant was dismissed as withdrawn on 30.06.2014 with liberty to revive the same after the material witnesses are examined.
3. The second bail application filed by the applicant was rejected by this Court on its merits on 20.08.2015.
4. Learned Counsel for the applicant submits that the present applicant is

in jail for more than 2 years and 9 months. The trial of the instant case is progressing at very slow pace and for the last about 1 year no witness has been examined on behalf of the prosecution. The applicant is unnecessarily languishing in jail for no fault of his, therefore, the applicant may be released on bail.

5. Learned Counsel for the State however opposing the said application submits that this court has already decided the bail application of the applicant on its merits vide the order dated 20.08.2015. As such there is no scope for reconsidering the said order or reviewing the order in the factual matrix of the case.

6. Learned State Counsel further submits that though the applicant has not been prosecuted under provisions of NDPS Act earlier, but on earlier occasions he was involved in 9 different criminal cases. He further submits that the contraband which has been seized from the possession of the applicant was Brown Sugar. Thus, taking into consideration these facts it would not be appropriate to release the present applicant on bail.

7. Taking into consideration the rival contentions put forth on either side this Court feels it proper to dispose off the MCRC at this juncture with a direction to the trial Court to ensure that the trial is concluded at the earliest preferably within a period of 6 months from today.

8. Since all the witnesses who are left to be examined are all departmental witnesses, the Court shall exercise all the powers conferred upon it under the provisions of the Cr.P.C. for making the presence of the witnesses before the Court.

9. With the aforesaid observation of an expeditious trial, the present bail

application is disposed off.

10. In case, for any reason, the case is not decided within the said period, the Applicant would be at liberty to revive his bail application.

Sd/-
(P. Sam Koshy)
JUDGE

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