

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 5825 of 2017

- Satyaprakash S/o Vijay Prasad, Aged About 25 Years R/o Village Chawna, Police Station Bamhni, District Sonbhadra, Uttar Pradesh. --- **Petitioner**
- State of Chhattisgarh through Police Station Basantpur, District Surguja, Correct District Is Balrampur, Chhattisgarh. --- **Respondent**

11.09.2017	Mr. Manoj Paranjpe, counsel for the applicant. State by Mr. Anupam Dubey, Govt. Advocate. This is third bail application filed u/s 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.126/2016 registered at P.S. BasantPur, Outpost – Wadrafnagar, Distt. Balrampur (C.G) for the offence punishable under section 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985. The First bail application was dismissed as withdrawn on 22.12.2016 with liberty to repeat the same after filing of the charge sheet. The second bail application was dismissed on 09.03.2017 after hearing the same on merits. The case of the prosecution, in brief, is that on 12.11.2016 on a raid being conducted on the premises of one of the accused different bottles of Corex Syrup were seized. Subsequently, it was revealed that the said supply was made by the present applicant, who was resident of village Bamhani and at the instance of the present applicant from teak tree plantation, huge quantity of recovery was made which includes 188 bottles of Corex syrup, 143 bottles of Elturex along-with other intoxicated drugs were seized, thereby the offence has been committed. Learned counsel for the applicant would submit that despite summons, the I.O., is not turning up for adducing his evidence, therefore, there is delay in process the trial.

R a o	On the other hand, learned State Counsel opposes the bail application. Considering the fact that earlier, the second bail application was dismissed on 09.03.2017 after hearing the same on merits, I am not inclined to release the applicant on bail at this stage. Accordingly, this bail application is rejected. However, having regard to the submission of learned counsel for the applicant, the State is directed to ensure the examination of the Investigating Officer within period of six weeks and thereafter the trial Court shall conclude the trial at the earliest. Sd/- GOUTAM BHADURI JUDGE
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