

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4940 of 2017

- Sheikh Aslam S/o A. M. Sheikh, Aged About 32 Years R/o Bhartiya Nagar, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh., Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Torwa, District Bilaspur Chhattisgarh., Chhattisgarh.

---- Respondent

For the applicant : Shri Shailendra Dubey,
Advocate

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

29.01.2018

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. 343/2016, registered at Police Station – Torwa, District – Bilaspur, (C.G), for the offence under Section 22- B (II) b of Narcotic Drugs and Psychotropic Substances Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.11.2016. His first bail application **M.Cr.C. No. 256 of 2017**, order dated 19.04.2017 has been rejected on merits by the co-ordinate Bench of this Court. Subsequent to that, no progress has been made in the trial. Copy of the order sheet filed today

show that number of dates of hearing has been fixed for examination to the remaining witnesses, who are not coming to the Court, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the trial against the applicant shall conclude soon, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Considered on the submission, the first bail application to the present applicant has been rejected on merits, thereafter, the development of things have taken place are these, that the trial Court has been unable to conclude the trial and the trial is pending and getting prolonged because of non-appearance of some witnesses, hence, for this reason, this Court is of the opinion that this is a fit case where the applicant is entitled for grant of bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge