

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 664 of 2018**

- Murari Lal Choubey S/o Tirath Raj Choubey Aged About 26 Years R/o Village Gangapur, Near Dhanouli, Police Station Lundra, Ambikapur, Civil And Revenue District Sarguja Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Lundra Civil And Revenue District Sarguja Chhattisgarh

---- Respondent

For Applicant	:	Ms. Rashi Tiwari, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/02/2018**

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17.07.2016 in connection with Crime No. 77/2016 registered at Police Station Lundra, Civil & Revenue District Surguja (CG) for the offence punishable under Section 22 of the N.D.P.S. Act..
2. The First Bail Application bearing M.Cr.C. No.8336/2016 was dismissed as withdrawn on 02.01.2017 with liberty to repeat the same after examination of the seizure witnesses. The Second Bail Application bearing M.Cr.C. No.3461/2017 was dismissed on 11.05.2017.
3. Perusal of the document would show that during the initial examination of the I.O. on 03.11.2017, the I.O. was present but on that date the counsel did not cross-examine the witness as he went away to his house at about 4 pm.

Subsequently, on 17.11.2017 again the cross-examination started but it could not be completed as it was 5 o' clock and the counsel requested that the witness is still to be cross-examined and he has to go home, therefore, he requested for adjournment. Thereafter, the order sheet of 29.01.2018 would show that theailable warrant of Rs.500/- has been issued to L.K. Pandey. In view of this, I do not find any reason to reconsider this repeat bail application as the delay has been caused at the instance of the Advocate itself and thereafter of course on two occasions again the witness did not appear, the Court can ensure the attendance of the witnesses by coercive methods. Accordingly, the bail application is dismissed.

4. Considering the stage of trial, the trial Court is directed to complete the trial within 45 days from the date of receipt of this order.

Sd/-

Goutam Bhaduri

Judge

Ashu