

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2487 of 2018**

Ashish Singh, S/o. Anup Singh, Aged About 28 Years, R/o- Kidwai Nagar
Anwarganj House No. 169, P.S. Anwarganj, District- Kanpur, (U.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station -Bodhghat, District-
Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/05/2018**

1. This is the first bail application filed under Section 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.160/2015, registered at Police Station – Bodhghat, District – Bastar (C.G.), for the offence punishable under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. Applicant is in jail since 11.06.2015 and almost three years is going to be completed in detention, but still the trial against him is not completed so far and only four witnesses have been examined by the concerned Court. Hence,

looking to the delay in conclusion of trial, the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of Uttar Pradesh and if he is released on bail, the trial against him shall be affected because of his non-appearance. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 20 Kg. of Ganja was seized from the possession of this applicant while he was traveling in bus by the police personnel of police station – Bodhghat, District – Bastar.
6. Considered on the submissions made and the contents of the case diary. Certified copy of the order sheet of the trial Court filed along with the bail application, shows that trial is pending because of the non-appearance of the witnesses and out of 15 witnesses in the list so far only four witnesses have been examined. Hence, it appears that the applicant is languishing in jail because of the delay in production of prosecution witnesses and also on perusal of the certified copy of the deposition of the witnesses, it appears that one independent witness of search and seizure has been examined and he has turned hostile, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram