

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3281 of 2018**

- Suresh Meher S/o Butung Meher Aged About 38 Years R/o- Village Jamula Thana- Padampur, District- Bargarh (Odisha).

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Pithora, District- Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Vikash Pradhan, Advocate.

For Non-applicant : Shri Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.05.2018**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Earlier, two bail applications have been dismissed in merit on 01.11.2017 in MCRC No. 4719 of 2017 and on 12.01.2018 in MCRC No. 378 of 2018.
3. The applicant has been arrested in connection with crime No. 77/2017 registered at Police Station – Pithora, District – Mahasamund (C.G.) for the offence punishable under Section 20(b) of NDPS Act (Narcotic Drugs and Psychotropic Substances Act).
4. Case of the prosecution, in brief is that after receiving information on 10.04.2017 at 6 pm, the police made a blockade on the turn of village Dongarpali and Assistant Sub Inspector Ramani Lal Tandekar seized a motorcycle bearing registration No. OR 19 P 5609 in which 4 kg Ganja

was kept in the Dickey of the said vehicle which was also seized.

5. The applicant is in custody since 10.04.2017. The case is pending adjudication before the Special Session Judge (NDPS), Mahasamund (C.G.).

6. Learned counsel for the applicant argued that the applicant is innocent, has been falsely implicated, trial is taking time and his father is unwell, hence he may be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society and considering the fact that mere delay in trial and illness of a family member are not sufficient grounds to grant bail, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Consequently, the present bail application is rejected.

10. However, the trial Court is directed to expedite the trial and decide the case as soon as possible.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE