

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7738 of 2017**

Purushottam Verma, S/o. Senkumar Verma, Aged About 22 Years, R/o. Village Juda, Police Station -Kasdol, District- Balodabazar -Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station -Sankara, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogesh Chandra, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/02/2018**

1. This is the second 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.87/2017, registered at Police Station – Sankara, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act. The first bail application was rejected vide order dated 18.08.2017 in M.Cr.C. No.4762/2017.
2. It is submitted by the learned counsel for the applicant that subsequent to the rejection of the earlier bail application, the development that has taken place is that four witnesses have been examined in the trial

against this applicant and all of them being the important witnesses of search and seizure have turned hostile. Apart from that, looking to the number of witnesses in the list of witnesses in the prosecution case, trial is likely to take sometime for its conclusion, hence, it is prayed that on the ground of delay in trial against this applicant, he may be granted regular 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 trial is likely to complete in near future, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As the first bail application of this applicant has been rejected on merits on this ground that quantity of the Ganja was 7.00 Kg., hence, there is no requirement to consider on this application on merits. Taking into consideration the witnesses examined so far, who have turned hostile and have not supported the case of the prosecution and the trial against this applicant is likely to take sometime for its conclusion, as per the list of the prosecution witnesses it shows that 7 more witnesses are yet to be examined in the trial, hence, looking to the delay that has occasioned in the conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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 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