

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5377 of 2018**

Manoj Sahu S/o Late Kamta Prasad Sahu Aged About 36 Years R/o Rajpur Police Station Dhamdha Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Dhamdha Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Surendra Kumar Sharma, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2018**

Heard.

1. This is the sixth bail application of the applicant. The first bail application was dismissed as withdrawn on 8.5.2017 in M.Cr.C. No. 1767 of 2017, the second bail application was decided on merits by rejecting the application on 31.7.2017 in M.Cr.C. No. 4295 of 2017, the third bail application was again dismissed as withdrawn on 19.12.2017 in M.Cr.C. No.8089 of 2017. Subsequent to that, fourth bail application was decided on merits by this Court on 2.4.2018 in M.Cr.C. No.347 of 2018 and the fifth bail application was dismissed for want of prosecution on 18.7.2018 in M.Cr.C. No. 5110 of 2018. The applicant has been arrested in connection with Crime No.233 of 2016, registered at Police Station – Dhamdha, District – Durg, Chhattisgarh for the offence punishable under Section 20(b)(ii)(C) of the

Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since more than two years. Till date, only eight witnesses have been examined out of 19 witnesses. The trial is getting delayed and the applicant is languishing in jail without any fault on his part. Hence, it is prayed that on the basis of delay in conclusion of trial, the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the application for grant of bail to the applicant has been rejected twice on merits. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Earlier on two occasions, the bail applications have been decided on merits and there is no need to consider on merits, but the fact that has to be taken notice of is that out of 19 witnesses, so far only eight witnesses have been examined and rest of the witnesses are not appearing before the concerned Court because of which, the trial is getting delayed and this applicant is languishing in jail without any fault on his part. Hence, for these reasons, I am of the view that in this case the applicant deserves to be enlarged on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi