

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6098 of 2018**

Ashish Kumar, S/o Shri Arvind Kumar, aged about 24 years, R/o Village Derapur, P.S. Derapur, District Kanpur Dehat, Uttar Pradesh.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Nagarnar, Jagdalpur, District Bastar (CG).

---- Non-applicant

For Applicant : Ms. Kiran Jain, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.09.2018**

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.75/2017 registered at Police Station Nagarnar, Jagdalpur, District Bastar for the offence punishable under Section 20-B of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. The first bail application of the applicant was rejected on merits by the order of this Court dated 06.11.2017 passed in M.Cr.C. No.4944 of 2017.
3. Case of the prosecution, in brief, is that on 10.04.2017 Sub Inspector Amit Kumar Sidar, Police Station Nagarnar received an information that one person who had weared green T.Shirt and blue lower seated in seat No.2 in Bus bearing registration No.C.G.19F-0702 which is going from Orissa to Jagdalpur has kept cannabis in his trolley bag. Near the Dhanpunji Forest Naka that bus was stopped by the Police Team and they made the enquiry with applicant who was seated in seat No.2 and during the search 24 kg cannabis was found in that trolley bag. The aforesaid articles and bus ticket were also seized from

the applicant.

4. Counsel for the applicant submitted that the applicant is a innocent person and has been falsely implicated in the present case, the contraband is seized from open place and the applicant is in jail since 10.04.2017, therefore, he may be released on bail.

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

6. Looking to the above mentioned facts and circumstances of the case, there is no such change in the circumstances of the case by which the applicant is entitled to get the benefits of Section 439 of CrPC. Consequently, the second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-