

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7664 of 2018**

1. Ajay Rahulkar S/o Hagaruji Rahulkar Aged About 47 Years R/o Bazar Ward Sanwra Toli, Thana- Gondiya City, District - Gondiya, Maharashtra.
2. Amit Kumar S/o Naresh Kumar Aged About 25 Years R/o Fulchur, Behind Saibaba Kante Thana - Fulchur, District - Gondiya, Maharashtra.

---- Applicants**Versus**

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

----Non-applicant

For Applicants	:	Mr. Vikash Pradhan, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/10/2018**

1. This is a third bail application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 82/2017 registered at Police Station Khallari, District Mahasamund, Chhattisgarh for the offence punishable under Section 20(B) of Narcotic Drugs Psychotropic Substance Act.
2. The earlier two bail applications have been rejected on 01.05.2018 in MCRC No. 1569/2018 and again on 27.07.2018 in MCRC No. 5335/2018.
3. The third bail application has now been moved in the light of the decision of the Hon'ble Supreme Court in the case of "*Mohanlal v. The State of Punjab*" decided on 16.08.2018 in CRA No. 1880/2011, wherein the Hon'ble Supreme Court has held that in case if the

complainant and the Investigating officer are the same, the procedure cannot be said to be proper and justified.

4. Since this Court has already decided the bail application of the applicants on merits twice, this Court is of the opinion that even if the applicants intend to take the advantage of the judgment of Hon'ble Supreme Court in the case of "Mohan Lal" (supra), the same would be considered by the trial Court while passing the judgment on its merits.
5. The counsel for the applicants submits that the applicants have been languishing in jail since 12.05.2017 i.e. they have already remained in custody for a period of about 1 year and 4 months and till date the trial has not been concluded, as such there is a delay in trial and the applicants should be released on bail.
6. This prayer of the counsel for the applicants also cannot be accepted at this juncture, where it is reflected that this Court has already considered this aspect while deciding the second bail application, wherein it was observed that since only a couple of witnesses were left to be examined, this Court was not inclined to grant bail.
7. Given the said facts, this Court is not inclined to grant bail at this juncture, however the trial Court is directed to ensure that the trial is concluded at the earliest and also to take all necessary steps in ensuring the presence of the witnesses for an early conclusion of the trial.

Sd/-
(P. Sam Koshy)
Judge