

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7891 of 2017

1. Dilip Vaishnav S/o Priyadas Vaishnav, Aged About 27 Years, R/o Ranvirpur, P. S. Sahaspur Lohara, (S. Lohara), District Kabirdham Chhattisgarh , Chhattisgarh
2. Ramadin Dhurve, S/o Ramjhum Gond, Aged About 40 Years, R/o Rajpur, P.S. Sahaspur Lohara, (S. Lohara), District Kabirdham Chhattisgarh , District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station P. S. Sahaspur Lohara, (S. Lohara), District Kabirdham Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Arvind Sinha, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 28-01-2017 in connection with Crime No.28/2017 registered at P.S. Sahaspur Lohara, (S. Lohara), District Kabirdham, Chhattisgarh for the offence under Section 20b(ii)B of the N.D.P.S. Act.
2. It is submitted on behalf of the applicants, that the applicants are innocent and they have been falsely implicated in this case. The applicants are in jail since 28-01-2017. They are local residents of District Kabirdham and are ready to abide by all the conditions to be imposed on grant of bail. Charge sheet has been filed on 20-03-2017. So far trial against them has not been completed, hence, looking to the fact that trial against them will take some more time before its conclusion, it is prayed that the applicants may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Earlier bail application of both the applicants was decided on 15-05-2017 in MCRC No.1817/2017 and rejected on merits. Subsequent to that, more than 8 months have passed and the trial against these applicant has not yet been completed and only 6 witnesses have been examined out of total 13 witnesses, hence, it appears that the trial against these applicants is likely to take some more time, the applicants are languishing in jail for more than one year. Hence, for this reason alone, I am of this view that the applicants should be released on bail during pendency of the trial against them.

5. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

6. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge