

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 245 of 2019

- Ajay Yadav, S/o Shri Ram Das Yadav, aged about 37 Years, R/o Village Ladua, Thana-Rajpur, Civil & Revenue District-Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Balrampur District-Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mrs. Smita Jha, Panel Lawyer.
For Objector	:	Mr. Shakti Raj Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05.02.2019

1. This is 4th bail application for grant of regular bail. The first application for regular bail MCRC No.3456/2017 was rejected on merits on 13.12.2017. Subsequent to that MCRC No.2941/2018 was dismissed as withdrawn with a direction to the trial Court to conclude the trial preferably within a period of one month and thereafter the 3rd application MCRC No.7117/2018 was dismissed for want of prosecution vide order dated 2.1.2019.
2. This is 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.39/2017 registered at Police Station–Balrampur, District–Balrampur(C.G.) for the offence

punishable under Section 21 of Narcotics Drugs & Psychotropic Substance Act (in short 'NDPS Act').

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The trial against the applicant is still pending despite the clear direction given by this Court for concluding the same within one month, therefore, applicant be granted regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that all the prosecution witnesses have been examined in the trial and the trial is pending because applicant has sought to examine witnesses in defence, therefore, prosecution cannot be held responsible for the delay, hence, application be rejected.
5. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect
6. Heard both the parties and perused the case diary.
7. Perused the order-sheets produced, it is submitted by counsel for applicant that the witnesses whose appearance is sought are required to prove the inquiry report that has been submitted on the basis of complaint made by the applicant himself, as it appears that inquiry have been conducted by the Police Agency itself, hence, there would not be any hindrance in admitting the same in evidence by the prosecution.
8. Trial Court is directed to call upon the prosecution to admit the inquiry report under Section 294 of CrPC and proceed with the trial, therefore,

under these circumstances, I do not feel inclined to grant regular bail to this applicant.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha