

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 788 of 2019

Santosh Kumar @ Bablu (Correct Name Is Santosh Kumar Sao), S/o Shalik Shah, Aged About 32 Years, R/o Ward No. 8, Saiyyed Raja, Police Station And Post Saiyyed Raja, District Chandoli, Uttar Pradesh ---- **Applicant**

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Shihava, District Dhamtari, Chhattisgarh ---**Respondent**

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Suryakant Mishra, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2019

Heard.

1. The applicant has been arrested in connection with Crime No.131 of 2017 registered at Police Station- Shihava, District Dhamtari (C.G.) for the alleged commission of offence under Section 20-B (2)(c) of NDPS Act.
2. Learned counsel for the applicant would argue that the present application is being moved by the applicant mainly on the ground that there is undue delay in completion of trial. He would submit that till date, trial has not been concluded though the applicant is in jail since 23.11.2017. He would further submit that out of 17, only 6 witnesses have been examined but no seizure witnesses is being examined and the prosecution is not producing independent witnesses of alleged seizure of ganja from the possession of the applicant.
3. On the other hand, learned counsel for the State has opposed the bail application and submitting that from the possession of the applicant, about 101 kg. of ganja is said to have been recovered and there is no undue delay in conclusion of trial and number of witnesses have been examined.

4. At this stage, taking into consideration the submission of learned counsel for the parties, though, I am not inclined to grant bail to the applicant, if the seizure witnesses are not examined within next four months, the applicant would be at liberty to revive the bail application.
5. A copy of this order be sent to the concerned trial Court for expediting trial and ensuring examination of independent witnesses at the earliest.
6. The bail application is, therefore, rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha