

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 738 of 2019**

1. Saddik Shah S/o Mr. Kadir Shah, Aged About 41 Years, R/o Simoni, P. S. Baberu, District Banda, U. P.
2. Kalim S/o Mr. Imam Baksh, Aged About 31 Years, R/o Ludhauri, Post Kanvara, P. S. Banda, District Banda, U. P.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Keshkal, Kondagaon, Chhattisgarh

---- Respondent

For Applicants	:	Shri Raja Ali, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/01/2019**

This is the repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 09.08.2017 in connection with Crime No. 96/2017 registered at Police Station- Keshkal, Kondagaon (CG) for the offence punishable under Section 20 (B) of NDPS Act.

2. The earlier two bail applications were rejected on merits vide order dated 21.03.2018 and 24.08.2018.

3. The changed circumstance which has led to the filing of the present bail application as contended by the counsel for the applicants is that the applicants are in jail since 09.08.2017 i.e. they have already put in about 17 months custody. Moreover, according to the applicants, all

the witnesses who have been examined till now have not supported the case of the prosecution even the witness who has been examined subsequent to the rejection of the earlier bail applications has not supported the case of the prosecution. Thus, prayed for grant of bail to the applicants.

4. State counsel, however, opposing the bail application submits that it is a case where there is a huge quantity of contraband i.e. 86.340 Kg. seized from the possession of the applicants and that this Court has already rejected two bail applications considering the quantity of contraband seized. Moreover, according to the State counsel, the I.O. is yet to be examined and for all these reasons, the applicants may not be released on bail.

5. Considering the facts and circumstances of the case, particularly the quantity of contraband seized and the fact that the prosecution has already examined 4 witnesses and 6 more witnesses are yet to be examined and the last witness was examined as late as on 23rd October, 2018, this Court is not inclined to release the applicants on bail at this juncture.

6. Accordingly, the present application for grant of bail stands rejected.

7. However, the Trial Court is directed to ensure that all necessary steps be taken and necessary instructions be issued for keeping the witnesses present on each of the dates fixed for the prosecution case so that the trial is concluded at the earliest.

**Sd/-
(P. Sam Koshy)
Judge**