

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1475 of 2019**

Abdul Qadir, S/o Iqbal Ahmad, aged about 43 years, R/o Maukheda, P.S. & District Bulandshahar Uttar Pradesh.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Vishrampuri, District Kondagaon (CG).

---- Non-applicant

For Applicant	: Mr. Rajesh Jain, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.03.2019

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.03/2017 registered at Police Station Vishrampuri, District Kondagaon for the offence punishable under Sections 20-B of Narcotics Drugs and Psychotropic Substance Act.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 22.10.2018 passed in M.Cr.C. No.5866/2018 considering the *prima facie* case against the applicant.
3. Case of the prosecution in brief is that on 03.01.2017, Inspector Santosh Kumar Bhuarya received information from the informant, on the strength of which he reached near a bridge of village Beerapur main road, District Kondagaon and stopped/blockaded a silver Honda City car bearing registration No.D.L.-2-FFH 6666. The applicant and other co-accused Nazim Malik were present in the vehicle. The said officer found 42 packets of Ganja weight 90.167 kg in the dickey of the car.
4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that two years have been passed away from the date of arrest of the applicant i.e. 03.01.2017, but the trial yet has not been completed hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. Merely delay in trial itself is not a sufficient ground to release the applicant on bail.
7. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no such change in the circumstances of the case on the strength of which the applicant be released on bail in second round of litigation. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the case expeditiously as early as possible in accordance with law from the date of receipt of certified copy of this order.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE