

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4316 of 2019**

1. Sudhir Kashyap, S/o Shri Ramsingh Kashyap, Aged About 35 Years,
R/o Kukanar, District - Sukma Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station:
- Kukanar, District: Sukma, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/08/2019**

1. The present is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 09.09.2018 in connection with Crime No. 19/2018 registered at Police Station-Kukanar, District: Sukma, (C.G.) for the offence punishable under Sections 20 B of N.D.P.S. Act.
2. The earlier bail application was dismissed for want of prosecution on 03.12.2018.
3. The present bail application has been moved on the ground that the seizure witness examined during the course of evidence has turned hostile and as such, there is no likelihood of applicant being convicted on the said ground. He further submits that the applicant is in custody since 09.09.2018 and as such considering the period of custody also, the applicant deserves to be released on bail.

4. The further contention of the applicant was that from the prosecution itself, there were two persons on the motor cycle when the offence took place and one of the accused is person travelling along with the applicant, however, he escaped from the clutches of the Police.
5. The State Counsel, however, opposing the applicant submits that, the applicant was a person who was travelling on a motor cycle and he was in possession of 28.20 Kg of Gaanja, which was found from his possession and from the vehicle he was driving, therefore, there is a *prima-facie* strong case made out against the applicant himself.
6. The State Counsel further submits that the material witness ie., Investigating Officer is yet to be examined and who is the main witness in a case under NDPS Act and thus, prayed for rejection of the bail application.
7. Having heard the contentions put-forth on either side and on perusal of record, particularly taking note of the quantity of contraband seized and the period of custody undergone, this Court is not inclined to grant bail at this juncture.
8. However, the Trial Court is directed to proceed further and ensure the trial is concluded at the earliest. The Trial Court is also directed to ensure that the witnesses concerned are summoned and examined without any unnecessary long adjournments.
9. With the aforesaid observation, the present bail application stands rejected.

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