

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5332 of 2019

- Devendra Singh S/o Shri Dilbhadra Singh Aged About 26 Years R/o Village Lahpatra, Thana- Lakhanpur, Civil And Revenue District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Sunil Sahu, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.09.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 05.02.2019 in MCRC No. 9892 of 2018 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 357/2018 registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 21-C of NDPS Act.
4. Case of the prosecution, in brief is that on 23.07.2018 Sub-inspector Chetan Chandrakar posted at police station Ambikapur seized 10 pieces of injections Avil (Pheniramine Maleate) each containing 10 ml, 59 pieces of injections Rexogesic Ampul Buprenorphine each containing 2 ml, Anzillum

Alprazolam 375 tablets each containing 0.5 mg. As per RFSL report, buprenorphine was present in the said injections and alprazolam was present in the said tablets. As per notification dated 18.11.2009 the entire solution will be taken for consideration.

5. Counsel for the applicant argued that case was fixed for evidence on 29.05.2019 for the first time, from that date to 10.07.2019 only one witness P.W.1 A.K. Shukla has been examined, looking to the delay in trial applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application and submitted that two other criminal cases one under IPC and another under NDPS Act have been registered against the applicant.

7. The applicant is facing trial regarding the possession of contraband under the NDPS Act.

8. Of course, the delay in trial is a considerable factor for deciding the bail application but equally it is also true that other factors like gravity of offence, seriousness of offence, impact of granting bail on society are also considerable and material factors for disposal of the bail application which cannot be ignored.

9. Looking to the facts and circumstances of the case, looking to the nature of the alleged offence, looking to the prima facie materials available on record against applicant, looking to the gravity of the offence, looking to the impact of granting bail to the accused on society this Court finds that in the case in hand delay in trial is not itself a sufficient ground to enlarge the applicant on bail in second round of litigation, consequently, the present bail application is rejected.

10. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE