

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6088 of 2019**

Antaryami Pradhan S/o Sadhu Pradhan Aged About 19 Years R/o - Village
Resham Thana Bhedan, District Bargarh Odisha

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Chakarbhatta, District Bilaspur Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate
For State	:	Mr. Ashutosh Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/10/2019**

1. Present is a third bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 143/2017 registered at Police Station Chakarbhatta, District Bilaspur, Chhattisgarh for the offence punishable under Section 20(B) (ii-c) of the Narcotic Drugs and Psychotropic Substance Act. The earlier bail applications stood dismissed as withdrawn on 13.12.2017 in MCRC No. 7186/2017 and 15.03.2019 in MCRC No. 7866/2018.
2. The third bail application has been filed on the ground of delay in trial and the fact that the applicant has already undergone custody of more than 2 ½ years. The contention of the counsel for the applicant is that except for the investigation officer, all other witnesses have been examined and these witnesses have not supported the case of the prosecution.

3. The State counsel however opposes the bail on the ground that the applicant was found in possession of a large quantity of contraband and therefore it would not be advisable for releasing of the applicant at this juncture. The further objection of the State counsel is that the petitioner belongs to a different State and therefore there is all possibility of his being absconding after his release on bail. The third objection of the State counsel is that since it is only the investigation officer, who has left to be examined, let the prosecution examine the investigation officer at the earliest, so that the trial itself can be concluded.
4. Given the aforesaid submissions by the State counsel, this Court is not inclined to grant bail to the applicant at this juncture. However, the prosecution is directed to ensure that the investigation officer is examined before the trial Court under any circumstances within a period of 4 months from the next date of hearing fixed by the trial Court. Reserving the right of the applicant to approach the Court again in the event if the investigation officer is still not examined by that time.
5. With the aforesaid observations, the present bail application stands disposed of.

Sd/-
(P. Sam Koshy)
Judge