

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7461 of 2019**

- Nazim Malik S/o - Shri Sharif Malik Aged About 28 Years R/o- Village Pansoda, Police Station Sahibabad, District Ghaziabad, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Vishrampuri, District Kondagaon, Chhattisgarh

---- Respondent

For applicant	Mr. Amit Kumar Sahu, Adv.
For non-applicant/State	Mr. Praveen Kumar Shrivastava, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

5-12-2019

1. This is fifth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application being MCRC No. 2419/2018 was dismissed vide order dated 30-4-2018 considering prima facie case against him. His second bail application being MCRC No. 6576/2018 was dismissed vide order dated 22-10-2018 . His third bail application being MCRC No. 124/2019 was dismissed vide order dated 31-1-2019 with a direction to the trial Court to expedite the trial and dispose of the same as soon as possible. His forth bail application was dismissed as withdrawn vide order dated 2-8-2019 passed in MCRC No. 4531/2019 with a direction to the trial Court to expedite the trial and dispose of the same within 45 days.

2. A report is received from the Special Judge, Kondagaon.

3. The applicant has been arrested in connection with Cr. No. 3/2017 registered in police station Vishrampuri, Distt. Kondagaon for offence punishable under Section 20(B) of NDPS Act.

4. Prosecution story in brief is that on 3-1-2017 inspector Santosh Kumar Bhaurya received information from the informant, on the strength of which he reached near a bridge of village Beerapur main road, Distt. Kondagaon and stopped/blockaded a silver Honda City car bearing No. DL 2 FFH 6666. The applicant and other co-accused Abdul Kadir were present in the vehicle. The said officer found 42 packets of

Ganja weighing 90.167 kg in the dickey of the car.

5. Counsel for the applicant argued that applicant is in jail since long back. While deciding 4th bail application this Court had directed trial Court to dispose of the case within 45 days from the date of receipt of copy of that order, but the trial has not been concluded yet. Thus the applicant may be released on bail.

6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. He submits that no criminal antecedent is reported in the police case diary against the applicant.

7. As per report of the concerned trial Court one witness Inspector Santosh Bhaurya is to be examined.

8. Looking to the facts and circumstances of the case and looking to the alleged huge quantity of cannabis, this Court finds that mere non-conclusion of trial within the period prescribed by this Court is not sufficient to enlarge the applicant on bail in 5th round of litigation.

9. Consequently, the 5th bail application is rejected.

10. However the trial Court is directed to dispose of the case as soon as possible preferably within a period of 45 days from the date of receipt of certified copy of this order.

11. A brief report be called from the then Special Judge as to whether he had acknowledged the orders of this Court dated 31-1-2019 and 2-8-2019. He is also under obligation to file the date wise progress report during his tenure. The District Judge, Kondagaon is directed to take strict action against the erring clerical staff.

12. A copy of this order be sent to the concerned Court.

Sd/-
(Sharad Kumar Gupta)
Judge