

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 861 of 2020**

Sudhir Kashyap Son of Shri Ramsingh Kashyap, aged about 35 years,
resident of Kukanar, District Sukma (CG)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Kukanar, District Sukma (CG)

---- Respondent

For Applicant	:	Shri Kamlesh Kumar Pandey, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/02/2020**

This is the repeat 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 (CG) for the offence punishable under Section 20 (B) of NDPS Act.

2. The earlier bail application was rejected on merits vide order dated 23.08.2019 in MCRC No. 4316/2019.

3. The repeat bail application has been filed on the ground that the material witnesses i.e. the seizure witnesses have all turned hostile and therefore there is no likelihood of the applicant getting convicted in the said criminal case. The contention of the counsel for the applicant is that the applicant is in jail since 09.09.2018 and as such he has already remained in jail for a period of about 1 ½ years. He submits that there is no likelihood of the trial getting concluded at an early date and therefore

the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that this Court has already rejected the bail application on merits on 23.08.2019 and there is no substantial change in circumstances today existing for reconsidering the said order passed by this Court. Counsel for the State submits that the total quantity of contraband seized from the possession of the applicant was more than 28 Kg which also is a sufficient good ground for not granting the applicant bail at this juncture and prayed for rejection of the bail application.

5. Considering the facts and circumstances of the case, particularly the quantity of contraband seized and also taking note of the fact that the applicant is in custody for a period of only 1 ½ years, this Court is not inclined to release the applicant on bail at this juncture.

6. Accordingly, the present application for grant of bail stands rejected.

7. This Court while rejecting the earlier bail application itself had directed the trial Court to get the witnesses summoned and examined at the earliest. This Court further reiterates the same and expects that the trial Court would proceed further and take all necessary steps in calling for the witnesses and examining them at the earliest so that the trial is concluded at the earliest.

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