

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1062 of 2020**

Sanjay Kumar Tripathi S/o Birendra Kumar Tripathi Aged About 38
Years Caste Brahman R/o Urai, Police Station Urai Kotwali, District
Jaloun U. P., District : Jalaun, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Keshkal District Kondagaon Chhattisgarh, District :
Kondagaon, Chhattisgarh

---- Respondent

For the Applicant	:	Shri N.K. Chatterji, Advocate
For the State	:	Shri Ravi Maheshwari, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/02/2020**

1. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was rejected by this Court vide order dated 13/02/2019 passed in MCRC No. 611/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.105/2017 registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. Case of the prosecution, in brief is that on 17/09/2017 Inspector Sharad Dubey posted at Police Station Keshkal seized 50.490 Kgs. Cannabis from the joint possession of the applicant, co-accused Sanjay Dwivedi and Iqbal Khan.
4. Learned counsel for the applicant submits that applicant is in jail since 17th September 2017 and only two seizure witnesses have been examined who turned hostile, thus applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents is reported against the applicant in police case diary.

6. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
7. Mere turning hostile of seizure witnesses is itself not a sufficient ground to enlarge the accused on bail. Moreover in the case in hand I.O. is to be examined.
8. Looking to the above mentioned facts and circumstances of the case, looking to the allegedly seized quantity of cannabis i.e. 50.490 Kgs., this Court finds that this is not a fit case where the applicant may release on bail in second round of litigation. Consequently his second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge