

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2693 of 2020**

Maiku Yadav S/o Pusva Yadav, aged about 32 years R/o Padhraudi, Ward No. 12, Thana Katma, District- Anuppur (M.P.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Kota, District Bilaspur Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pandey, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

04/08/2020

1. The matter is heard through video conferencing.
2. The Applicant has preferred this Third Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 236/2017 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Sections 20 (B) (ii-C) of the NDPS Act, 1985. First bail application of the applicant was dismissed as withdrawn vide order dated 03/12/2018 passed in MCRC No. 8374/2018 with a direction to the trial Court to expedite the trial. Thereafter, the applicant had filed second bail application which was also dismissed as withdrawn vide order dated 19/11/2019 passed in MCRC No. 5331/2019 with liberty to revive the same after four months, if trial is not concluded. Hence, this third application has been filed.
3. As per prosecution story, on 20/08/2017 on the basis of information

received from the informant, the police official searched the vehicle bearing registration No. MP65 C 0460 which was being driven by co-accused Ram Prashad. The applicant was also inside the said vehicle. On being search, total 2.36 quintal and 900 grams of Ganja was found which was seized from the joint possession of them. The applicant was arrested.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that some mandatory provisions of the Act has not been complied with. Both the seizure witnesses have been examined and they have turned hostile. Sub Inspector Raghunath Deewan (Investigating Officer) is not cooperating with the trial Court and malafidely not appearing to record his statement. He has been called by the trial Court since 08/03/2019, but he has not appearing, and an arrest warrant has been issued against him by the trial Court. He further submits that the applicant is in jail since 21/08/2017 and trial will take time, therefore, looking to the detention period of the applicant, he may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in jail since 21/08/2017 and has remained in jail about 3 years, and it seems that trial will likely to take more time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the Applicant shall be released on bail on his executing a bond with two sureties, each of Rs. 2 lakhs to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

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