

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3669 of 2020**

- Narottam Chandrakar, S/o Daduram Chandrakar Aged About 70 Years (Now 72 Years) R/o Village - Ratiya, Police Station - Masturi, District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Masturi, District - Bilaspur Chhattisgarh

---- Non Applicant

For the Applicant	:	Ms. Reena Singh, Adv. on behalf of Mr. Akhtar Hussain, Adv.
For Non Applicant	:	Mr. D. K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****10.07.2020**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 04.12.2018 passed in MCRC No.7604 of 2018 considering prima facie case against him, his second bail application was also rejected by this Court vide order dated 27.03.2019 passed in MCRC No.1657 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 373/2018 registered at Police Station –Masturi District Bilaspur (C.G.) for the offence punishable under Section 20(A) of NDPS Act.
4. Case of the prosecution, in brief is that on 31.08.2018 at about 09:10 hrs Sub Inspector H. R. Yadu posted at Police Station Masturi seized green cannabis plant weight 56.500 kg from the courtyard of the applicant.
5. Counsel for the applicant submitted that applicant is in jail since 31.08.2018, trial is delayed. Hence, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application.

7. This is true that delay in trial and detention period of the accused 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.
8. This is also well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the same, it is only the trial Court who can do so at the time of appreciation of the evidence.
9. In present scenario the responsibility in delay in trial cannot be imposed upon the trial Court.
10. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in third round of litigation. Consequently, his third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

parul