

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4012 of 2020**

1. Jalsingh Sori S/o Naryan Sori Aged About 39 Years R/o Village Solupara Badesatti House No. 72, Phoolbagdi, Outpost Phoolbagdi Police Station-Sukma, District Sukma, Chhattisgarh
2. Tomeshwar Mandavi S/o Vishnuram Mandavi Aged About 22 Years R/o Village Kokdi, P.S. Kondagaon, District Kondagaon, Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh through Station House Officer, Police Station- Chilphi, District- Kabirdham (Kawardha), Chhattisgarh

.....Non-applicant

For the Applicant	:	Shri Wasim Miyan, Adv.
For Non Applicant	:	Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board
11-8-2020

1. This is 2nd bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. Their no other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was dismissed as withdrawn by this Court vide order dated 8-1-2019 passed in MCRC No. 9364/2018.
3. The applicants have been arrested in connection with Crime No. 26/2018 registered in police station Chilphi, Distt. Kabirdham (Kawardha) (CG) for offence punishable under Section 20-B of the NDPS Act.
4. Case of the prosecution, in brief, is that on 11-10-2018 in front of the barrier of Police Station Chilphi, Sub Inspector Vidyanand Bhagat seized 35 kg Cannabis from accused No. 1 Jal Singh Sori and 14 Kg Cannabis from accused No. 2 Tomeshwar Mandavi.
5. Counsel for the applicant submits that the applicants are in jail since 11-10-2018, all the prosecution witnesses have been examined and

the case is fixed for accused statement. Due to Covid 19, the proceedings of the Trial Court are suspended, hence the applicants may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. He submitted that as per police case diary, there is no criminal antecedent of the applicants.
7. This is true that period of detention of the accused and delay in trial are the material factors for disposal of bail application of accused but it is also equally true that seriousness of the offence and impact of grant of bail to the accused on society are more important and material factors for disposal of the bail application filed by the accused.
8. As per applicants' case, the case is already fixed for accused statement and after resuming the normal situation the court will record the accused statement and proceed further.
9. In the present scenario, the trial Court cannot be held responsible for delay in trial.
10. Looking to the above facts and circumstances of the case, this Court finds that it is not a fit case where the applicants may be released on bail in 2nd round of litigation.
11. Consequently, this 2nd bail application is rejected.
12. However the trial Court is directed to dispose of the case as soon as possible preferably within a period of 2 months from resuming the normal court work.

Sd/-
(Sharad Kumar Gupta)
Judge

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

CRMP No. 998/2020

Jalsingh Sori and another

-versus-

State of Chhattisgarh

20-8-2020	MCRC No. 4012/2020 was disposed of by this Court vide order dated 11-8-2020 but inadvertently, wrong case number has been typed in the order and in place of 'MCRC No. 4012 of 2020' the case number 'MCRC No. 4094 of 2020' has been typed in the order. Therefore this Cr.M.P. has been registered. Considering the above facts, this Cr.M.P. is disposed of with a direction that the order dated 11-8-2020 passed in MCRC No. 4012 of 2020 bearing wrong case number be deleted from the website of the High Court and order bearing correct case number be uploaded. A copy of this order sheet be also supplied along with certified copy of the order dated 11-8-2020 passed in MCRC No. 4012/2020. Sd/- (Sharad Kumar Gupta) Judge