

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4203 of 2020**

Ashish Jhankar, S/o Rajendra Jhankar, aged about 23 years, R/o village Khaliapali, Police Station Junagarh, District Kalihandi (Odisha).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station GRP, Bilaspur, District Bilaspur (CG).

---- Non-applicant

For Applicant	: Mr. Ashish Gupta, Advocate
For Non-applicant	: Mr. D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.08.2020**

1. Heard on merits as well as also heard on I.A. No.1/2020 application for grant of interim bail.
2. Counsel for the applicant submitted that the applicant is in jail for more than two years, charges have not been framed. In Bilaspur jail, some accused had been found CORONA positive, hence the applicant may be released on interim bail.
3. Looking to the facts and circumstances of the case, this Court finds that no sound ground exists on strength of which the applicant be released on interim bail. Hence, the interim bail application is rejected.
4. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
5. Perused the case diary provided by the counsel for the State in connection with Crime No.148/2018 registered at Police Station GRP, Bilaspur, District Bilaspur for the offence punishable under Section 20(B) (ii-C) of N.D.P.S. Act.
6. The first bail application of the applicant was rejected on merits by this Court vide order dated 29.04.2019 passed in M.Cr.C. No.7695/2018 considering *prima facie* case against him.
7. Case of the prosecution, in brief, is that on 03.06.2019 at about 21.05 hours at Platform No.2-3 near the Book Stall, Bilaspur Sub

Inspector Oscar Minj seized 25 kgs cannabis from the trolley bag which was carried by the applicant.

8. Counsel for the applicant submitted that the applicant is in jail for more than two years, charges have not been framed, seizure witnesses have given the contrary statements recorded under Section 161 of CrPC, hence the applicant may be released on bail.
9. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.
10. This is true that the detention period of the accused and delay in trial are relevant factors while dealing with the bail application. But equally, it is also true that looking to the seriousness of the alleged offence and impact of granting bail to the applicant on society are more important and material factors while dealing with the bail application.
11. This is well settled legal principle that while dealing with the bail application, this Court can neither scrutinize the evidence nor appreciate the evidence. It is only the trial Court, who can do so.
12. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected.
13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-