

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4831 of 2020**

Najim Ansari (Mo. Nazim Ansari), S/o Mohd. Kadir Ansari, aged about 23 years, R/o Deepatoli (Dipatoli), Post and Police Station Narayanpur, District Jashpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Farasgaon, District Kondagaon (CG).

---- Non-applicant

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Non-applicant	: Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.09.2020**

1. This is the fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.32/2018 registered at Police Station Farasgaon, District Kondagaon for the offence punishable under Section 20(B) of Narcotic Drugs Psychotropic Substances Act.
3. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 24.10.2018 passed in M.Cr.C. No.6102/2018. His second bail application was dismissed by Registry of this Court on account of non-compliance of order of this Court dated 19.07.2019 passed in M.Cr.C. No.4743/2019. His third bail application was rejected on merits by this Court vide order dated 06.12.2019 passed in M.Cr.C. No.6454/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that on 17.04.2018 Sub Inspector Bhanu Pratap Yadav received information from informant that two persons are transporting the cannabis from Jagdalpur to Raipur by pick up vehicle No.JH/03/R2852. On very day Sub Inspector Bhanu Pratap Yadav seized 195.635 kg cannabis from the joint possession of the applicant and co-accused Mo. Najrullah.
5. Counsel for the applicant submitted that the applicant is in jail since 17.04.2018, only 07 prosecution witnesses have been examined

before the trial Court due to the present scenario, the early conclusion of trial is not possible. Despite of direction of this Court given in order dated 06.12.2019 the trial is not concluded yet. Hence, the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. He further submitted that no criminal antecedent is reported against the applicant as per police case diary.

7. This is true that the detention period of the accused and delay in trial are material factor for disposal of the bail application. But it is also equally true that seriousness of the offence and impact of granting bail to the applicant on society are more material and important factors for disposal of the bail application filed by the applicant.

8. In the present scenario, it cannot be held that trial Court is responsible for delay in trial.

9. Looking to the above mentioned facts and circumstances of the case, looking to the allegedly huge quantity of cannabis i.e. 195.635 kg, this Court finds that it is not a fit case where the applicant may be released on bail in the fourth round of litigation. Consequently, the fourth bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case preferably within a period of four months from the date of resuming the regular work of the Court.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-