

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.614 of 2020**

- Dwarika Sahu S/o Santuram Sahu Aged About 31 Years R/o Mongra, Mahasamund, P.S. Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

----Appellant (In Jail)**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

Present:-

Shri Lavkush Kumar Sahu, counsel for the appellant.
Smt. Fouzia Mirza, Additional AG for State.

Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**17/12/2020**

1. This appeal arises out of order dated 06-07-2020 passed by the Special Judge, N.I.A Act, Bilaspur in NIA Case No.04 of 2018, by which, the application for grant of bail filed by the appellant has been rejected.
2. Learned counsel for the appellant would argue that the appellant has remained in jail since 24-02-2018, but, till date, trial has not been concluded, therefore, his right for expeditious trial is violated, so he may be granted bail. His next submission is that most of the prosecution witnesses including seizure witnesses have been examined and other related evidence do not inspire confidence. He submits that most of the witnesses have turned hostile and the evidence of one of the seizure witnesses Lalaram Chandrakar, PW-7 shows that this witness is not firm with regard to recovery/seizure of various articles in his presence. Therefore, at this stage, the appellant ought to have been granted bail.
3. On the other hand, learned State counsel opposes the bail application by submitting that appreciation of evidence would be a subject matter of trial.
4. Having considered the submission of learned counsel for the parties, we do not find good ground to interfere with the impugned order passed by the learned trial Court, rejecting bail application of the appellant, because the

appellant is charged of serious offence, which is punishable with life imprisonment.

5. True it is that the trial has not been concluded and the appellant has remained in jail since 24-02-2018, at this stage, striking balance between the right of the accused and the nature of allegations, particularly taking into consideration the stage of trial, we are not inclined to interfere with the impugned order passed by the learned trial Court. We also do not comment upon the nature and quality of evidence laid down by the learned trial Court. Whether or not the evidence of Lalaram Chandrakar, PW-7, one of the independent witnesses of seizure should be believed or not, needs to be appreciated only by the trial Court not by us. At the same time, we consider it proper to issue direction to the trial Court to conclude the trial within a period of four months.

6. Subject to the aforesaid direction, this appeal is dismissed. However, the appellant would be at liberty to renew his prayer for grant of bail, if trial is not concluded within a period of four months.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E

SD/-
(**Vimla Singh Kapoor**)
J U D G E