

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 617 of 2020

Kamal Bariha, S/o Kanhaiya, Aged About 29 Years R/o Bilkhand, Police Station Basna, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

--- Respondent

For Appellant : Mr. Lavkush Kumar Sahu, Advocate.
For State : Mrs. Hamida Siddiqui, Dy. A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

17/12/2020

Heard.

1. This appeal under Section 21 of the NIA Act, 2008 is preferred against order dated 06.07.2020 passed by the Special Judge (NIA Act) & Sessions Judge, Bilaspur (C.G.), by which appellant's application for grant of bail has been rejected.
2. The appellant has been arrested on 27.06.2018 under Crime No.248/2018 registered at Police Station- Mahasamund (C.G.) on the allegation of having committed offence under Section 489 (a)(b)(c)(d), 34 of IPC.
3. Learned counsel for the appellant would argue that in the present case, the appellant has been arrested as early as on 27.06.2018 and even after 2½ years, trial has not been concluded. It is argued that by now, 8 prosecution witnesses have been examined, but none of them has supported the case of the prosecution. This includes one of the seizure witnesses who is alleged to have witnessed the seizure of various articles from the house of the appellant. Learned counsel for the appellant would submit that basis for the involvement of the appellants in the alleged commission of offence is seizure of number of articles from his house, which is alleged to be used for the purposes of printing counterfeit currency. Therefore, at this stage, the appellant ought to be granted bail.

4. On the other hand, learned State counsel opposes the prayer and submits that allegation are serious in nature. The appellant was involved in printing counterfeit currency and about Rs.4,36,000/- rupees of counterfeit currency was seized. It is further submitted that though some of the witnesses of the prosecution have been examined, all other witnesses including Investigating Officer and other independent witnesses have not been examined so far.
5. Taking into consideration the nature and gravity of allegation, particularly the allegation that the appellant is involved in printing counterfeit currency and huge counterfeit currency alleged to have been seized along with various devices used for printing and further considering that all the seizure witnesses have not been examined till date, we are not inclined to grant bail to the appellant, though there appears to be delay in conclusion of trial and appellant suffered from 2½ years of pre-trial detention. Therefore, the appellant is entitled to expeditious trial. Though, we are not inclined to interfere with the impugned order rejecting appellant's bail application, at the same time, learned trial Court is directed to conclude the proceedings as expeditiously as possible, preferably within three months.
6. This application (appeal) for grant of bail is accordingly rejected with the observations and direction as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge