

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7617 of 2019**

1. Sooraj Narayan Padee, aged about 42 years, S/o. Padmanath Padee, R/o. Balimala, P.S. Balimala, District – Malkangri (Odisha).
2. Pramod Nayak, aged about 32 years, S/o. Ramchandra Nayak, R/o. Village – Lathi, Barhampur, P.S. Sadar, District – Ganjam (Odisha).

---- Applicants***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Rajeev Kumar Dubey, Advocate
For Respondent/State	: Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/02/2020**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.51/2019, registered at Police Station – City Kotwali, Bilaspur District – Bilaspur (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act. The first bail application of the applicants was dismissed as withdrawn vide order dated 24.07.2019 in M.Cr.C. No.3852 of 2019.
2. It is submitted by the learned counsel for the applicants that the applicants are in jail since about more than one year and the trial against them is still not concluded, therefore, there is delay in trial without any fault on the part of the applicants. One of the witness of search and seizure have been examined and he has not supported the prosecution case. Therefore, it is prayed that the applicants may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants are resident of Odisha and after their release on bail, they may not be available for trial and also huge quantity of contraband has been seized in this case. Hence, the applicants may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the police personnel of Police Station City Kotwali, Bilaspur made a seizure of the vehicle, which was occupied by the applicants and recovered and seized 70 Kg. of Ganja from the possession of the applicants. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering that the applicants are in jail since more than one year and the trial is getting delayed, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge