

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7958 of 2019**

- Amarjeet @ Amar Kumar S/o. Baleshwar Rai Aged About 23 Years (Wrongly Mentioned Bandheshwar In Order Sheet) R/o. Simli Sahdara Naya Tola, Ward No.71, Police Station - Mal Salami, Patna, District - Patna, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station-Rajpur, District - Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas Pandey, Advocate
For State	:	Shri Aditya Bharadwaj, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/02/2020**

This is repeat bail application. Earlier application was dismissed as withdrawn on 06/10/2018.

1. The applicant has been arrested in connection with Crime No.23/2017 registered at Police Station – Rajpur, District – Balrampur – Ramanujganj (C.G.) for alleged commission of offences under Section 279 and 337 of IPC and 20 (b)(ii) of NDPS Act, 1985.

2. Prosecution story is that the applicant, along with two accused persons, was caught while traveling in a vehicle and upon search made in the vehicle, 73 kgs. of *ganja* was found in the said vehicle.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. Seizure of *ganja* is a false recovery prepared by the police officials. He has no connection with trafficking of drugs. Further submission is that the applicant has remained in jail since 02/03/2017 and even after lapse of two years and 11 months, trial has not been concluded. He would submit that the co-accused

Raj Kishore @ Kumar @ Rishikesh Kumar, who according to the case of the prosecution, is similarly situated as that of the applicant, has been granted bail by this Court on 05/04/2019 in MCrC No.7706/2018 mainly on the ground of delay in trial and long detention.

4. On the other hand, learned State counsel would submit that as huge quantity of *ganja* has been found in the vehicle in which, the applicant was found traveling along with co-accused, the application is liable to be rejected.

5. Having heard learned counsel for the parties and particularly, taking into consideration order dated 05/04/2019 passed by this Court in MCrC No.7706/2018 filed by the co-accused – Raj Kishore, I am inclined to grant bail to the present applicant because the case of the applicant appears to be similarly situated with that of the co-accused – Raj Kishore, who has been granted bail mainly on the ground that he has remained in jail for more than two years. Further, trial appears to be proceeding with snail pace and only 11 out of 29 witnesses have been examined so far. In that view of the matter, present is a fit case for grant of bail.

6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge