

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1399 of 2021**

Sudhir Kashyap S/o Shri Ram Kashyap Aged About 35 Years R/o Kukaner,
District Sukma Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Kukaner, District Sukma Chhattisgarh

----Non-applicant

For Applicant	:	Mr. R. K. Jain, Advocate
For State	:	Mr. Sudeep Verma, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/03/2021**

1. The present bail is a 5th bail Application under Section 439 Cr.P.C. for grant of bail to the applicant, The petitioner is facing trial arising out of the crime no. 19/2018 registered at Police Station Kukaner, District Sukma for the offence punishable under Sections 20-B of the N.D.P.S. Act.
2. The four earlier bail applications have been rejected either for want of prosecution or on merits vide order dated 3.12.2018, 23.08.2019, 07.02.2020 & 17.06.2020. The previous three bail applications were rejected on merits. Taking into consideration the short period of custody undergone by the petitioner on all the three earlier occasions, this Court had directed the Trial Court to expediate the Trial.

3. Today when the matter is taken up for hearing, counsel for the applicant submits that he is in custody since 09.09.2018 as such he has put in more than 2 ½ years of custody. Further it is submitted that out of 13 witnesses said by the prosecution only 6 witnesses have been examined. Seven witnesses yet to be examined by the prosecution and that under the prevailing circumstances, the Trial is going at a very slow pace, there is no likelihood of early disposal of the trial and therefore considering the period of custody undergone and slow pace at which the trial is progressing the applicant should be released on bail.
4. The State counsel opposing the bail application submits that it is a case where applicant herein was found in possession of Ganja weighing 28 Kg. and therefore considering the quantity of the Ganja seized from the possession of the petitioner, this court has already rejected the bail earlier on four occasions and no substantial change in the circumstances have made out. Therefore bail application deserves to be rejected.
5. Having heard the contentions put forth on either side and on perusal of record, taking into consideration the fact that petitioner has remained under custody for a period of 2 ½ years and that till now not even half of the witnesses have been examined and for this fair reason alone this Court is inclined to grant bail to the applicant at this juncture. Accordingly, the present application for grant of bail is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two surety

in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed by the Court below.

Sd/-
(P. Sam Koshy)
Judge

Rohit