

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2272 of 2021

- Devesh Singh Rajput, S/o Late Vijay Singh, Aged About 22 Years, R/o Village Kumhari, Thana Kumhari, Tehsil Bhilai, District Durg, Chhattisgarh

----- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh

----- Respondent

For Applicant
For Respondent

Ms. Soumya Sharma, Advocate
Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

05/08/2021

1. Proceedings of this matter have been taken up through Video Conferencing.
2. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.72/2020, registered at Police Station Khallari, District

Mahasamund (CG), for the offence punishable under Section 20 (B) of the NDPS Act.

3. The first bail application of the applicant was dismissed as withdrawn on 21.09.2020 in MCRC No.3263/2020.
4. The case of the prosecution, in brief, is that 12 kg ganja was recovered from the possession of the applicant and other co-accused persons and thereby the applicant committed the offence.
5. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the crime in question. She would further submit that the applicant is in jail since 25.04.2020 and the first bail application was dismissed as withdrawn on 21.09.2020, thus more than one year has elapsed, yet the trial has not commenced due to closure of the Courts. She would next submit that the other co-accused persons namely Govind Kshatriya and Sonu Thakur have already been enlarged on bail by this Court on 20.07.2020 in MCRC No.4208/2020. Therefore, the applicant may

kindly be released on bail.

6. Learned State counsel would oppose the bail application.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, pre-trial detention of the applicant and the applicant is in jail since 25.04.2020 and further considering that the trial has not commenced and for the fact that the other co-accused persons have already been enlarged on bail, I am inclined to release the applicant on bail.
9. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Sd/-
Sanjay K. Agrawal
Judge