

HIGH COURT OF CHHATTISGARH, BILASPUR

• **MCRC No. 2355 of 2021**

- Ashutosh Mandal S/o Nirapad Mandal Aged About 34 Years R/o Ward No. 15, College Road, Near Teena Garrage, Malkangiri, Police Station And District- Malkangiri (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sukma, District- Sukma (C.G.)

---- Respondent

For Applicant	:	Mr. Mukesh Shrivastava, Advocate
For State	:	Mr. Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/09/2021

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.126/2019 registered at Police Station- Sukma, District- Sukma, (C.G.) for the alleged commission of offence under Section 20(B) of NDPS Act.
2. Prosecution case is that the applicant was found possessed of *Ganja* in huge quantity of 391 KG.
3. Learned counsel for the applicant would submit that the trial is going on since long but it is not get concluded and the applicant has remained in jail since 07.12.2019. He would submit that the independent witness of seizure has not supported the case of the prosecution, therefore, at this stage, there is a material to form satisfaction that there are reasonable grounds to believe that the applicant is not involved in the alleged commission of offence. He is also not likely to abscond, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State counsel opposes and submits that in the present case, the allegation is of seizure of huge quantity of *Ganja* and Investigating Officer has not been examined till date. He would submit that

looking to the nature of offence and that many material witnesses are yet to be examined, the applicant may not be granted bail otherwise he may flee away from justice.

5. Without commenting on merits, taking into consideration that the prosecution has come out with case of seizure of huge quantity of Ganja from the possession of the applicant and that the Investigating Officer so far has not been examined, at this stage, no bail can be granted to the applicant.
6. The bail application is accordingly rejected.
7. However, considering long pre-trial detention, it is directed that the trial Court shall do well to conclude the trial as early as possible preferably within four months.

Sd/-
(Manindra Mohan Shrivastava)
Judge