

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3318 of 2021

- Manish @ Praveen Gupta S/o Shri Premchand Gupta, Aged About 30 Years, R/o Village Pandariya, Police Station Amarkantak, Civil and Revenue District Anuppur Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Borai, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For State/Non-applicant – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is 6th bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-10-2018 in connection with Crime No.29/2018 registered at Police Station – Borai, District Dhamtari, Chhattisgarh for the offence under Section 20-B of the N.D.P.S. Act.

2. It is submitted by learned counsel for the applicant, that this is sixth application filed by the applicant before this Court for grant of regular bail. His first application, MCRC No.9724/2018 was dismissed on merit on 01-02-2019. His second application, MCRC No.3082/2019 was dismissed on 16-05-2019. His third application, MCRC No.5944/2019 was dismissed on 03-10-2019. His fourth application, MCRC No.1566/2020 was dismissed on 05-03-2020 and his fifth bail application, MCRC No.8222/2020 was dismissed on 12-01-2021. It is submitted by learned counsel for the applicant, that the applicant is in jail since 03-10-2018 and therefore, he has now undergone almost detention of more than 2 ½ years. The trial against him is still pending and he is languishing in jail without any fault on his part. Co-accused persons in this case, namely, Ankit Kumar Gupta and Sitaram Gupta were granted bail by coordinate Bench in

MCRC No.3329/1019. In further development witnesses of search and seizure have also turned hostile. Hence, looking to all these circumstances present, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that first application of this applicant has been dismissed on merits. The grounds raised by the applicant regarding grant of bail to the co-accused persons and regarding hostility of the witnesses have been dealt with in the subsequent bail applications by the coordinate Bench. Therefore, there is no change in circumstances present in favour of this applicant. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. There is no need for consideration in this bail application on merits and on the grounds which have already been considered so far in the previous bail applications. The only ground that is made out for present is this, that the applicant is in jail since more than 2 ½ years and the trial against him is still pending and there is no likelihood of completion of the same due to continuation of present pandemic situation, hence, only for this reason due to delay in trial I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge