

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3404 of 2021**

Shrikant Sahu S/o Shri Kamta Prasad Sahu, Aged About 38 Years
R/o Madwahi (Wrongly Mentioned As Marwahi), Tahsil And Police
Station Marwahi, District Gourella-Pendra-Marwahi (Chhattisgarh)

---- Applicant**Versus**

- The State Of Chhattisgarh Through Station House Officer Of Police Station Marwahi, District - Bilaspur (C.G.) (At Present Gaurella- Pendra-Marwahi (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Shailendra Dubey, Advocate
For Respondent/State	:	Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/09/2021**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 27.11.2020 in connection with Crime No. 144/2020 registered at Police Station- Marwahi, District - Bilaspur (At Present Gaurella-Pendra-Marwahi) for the offence punishable under Section 20-B of the Narcotics Drugs and Psychotropic Substances Act.

2. The previous bail application was rejected by this Court vide order dated 24.02.2021 in MCRC No. 9510/2020

3. The allegation against the applicant, as per the prosecution case, is that on the date of incident the applicant was found carrying 13 Kg. Ganja in his motorcycle.

4. Counsel for the applicant submits that it has been more than 10 months that the applicant is in custody and on account of the impact of

COVID-19 pandemic, the criminal case is also progressing at a slow pace and in the given circumstances, there may be a substantial delay in conclusion of the trial. He further submits that the applicant has been falsely implicated in the instant case and that it is the first offence in which he has been implicated. It is lastly contented that the applicant all the more requires to be released on bail on account of the ill-health of his son who is said to have been suffering from kidney failure. Counsel for applicant has brought certain medical reports in respect of the son of applicant who is admitted in AIIMS, Raipur and his condition is said to be very critical. Under the circumstances counsel for the applicant prays releasing the applicant on bail.

5. State counsel, on the other hand opposing the bail application, submits that recently the first bail application of the applicant has been rejected on merits and there has been no substantial change of circumstances arisen for releasing him on bail. Moreover, the contraband seized from the possession of applicant was more than 13 Kg. and the period of custody undergone by the applicant being only ten months, he does not deserve to be released on bail at this juncture.

6. Having heard the contentions put forth on either side particularly taking into consideration the fact that the prosecution case in the light of post COVID-19 period is progressing at a slow pace and the applicant having remained in custody for more than 10 months and also considering the peculiar fact where the son of applicant is said to be critically ill and is admitted at AIIMS, Raipur, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum

to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai