

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4013 of 2021

- Kriparam Neti S/o Shri Dhansay Neti, Aged About 47 Years R/o Village Nagpura, Out Post Belgahna, Police Station Kota, Civil And Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Kota, Out Post Belgahna, Civil And Revenue District Bilaspur Chhattisgarh

---- Non-Applicant

For Applicant	: Mr. Krishna Gopal Yadaw, Advocate
For State/Non-Applicant	: Mr. Sameer Oraon, Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13.07.2021

1. Heard.
2. This is third 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. 471 of 2018, registered at Police Station – Kota, Out Post – Belgahna, District – Bilaspur (C.G.), for the offence punishable under Section 20(1) of the NDPS Act, 1985.
3. The first bail application bearing MCRC No. 509/2019 was dismissed as withdrawn on 07.02.2019 and the second bail application bearing MCRC No.193/2020 was rejected on merit vide order dated 10.01.2020.

4. It is submitted by the learned counsel for the Applicant that this third application has been filed on the ground of delay. The Applicant is in jail since 11.10.2018 and he has completed about more than 2 and 1/2 years in jail. Trial against him has not made any progress so far and is still pending, therefore, the Applicant is languishing without any fault on his part. Therefore, it is prayed that the applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that previous application of bail has already been dismissed on merit. It is also submitted that a number of witnesses have been examined in trial and only a few more witnesses are remaining to be examined, therefore the ground of delay raised by the Applicant does not have any force. The application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Considered on the submissions. The Applicant is in jail since 11.10.2018. The trial against him is continuing and still there are a number of witnesses to be examined. As it is a case of under trial prisoner, therefore, it is the duty of the trial Court to take up the matter expeditiously, but the same has not been done. Hence, looking to the reason that the trial against this Applicant is getting delayed and there is nothing to predict that the trial will be completed soon in future, therefore, I am inclined to allow this application.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Chandra