

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.5981 of 2021

Sunil Kumar Jatav S/o Kishan Kumar Jatav, Aged about 30 years, R/o.
House No.4, Multi Story, Khanna Market, Lodhi Road Colony, Police
Station Tilak Marg, Civil and Revenue District Delhi

---Applicant

Versus

The State of Chhattisgarh Through the Police Station Aamanaka, Civil
and Revenue District Raipur, Chhattisgarh

---Non-Appllcant

For Applicant	:	Mr.N.Naha Roy, Advocate
For Non-applicant	:	Mr.Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

19/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.42/2020, registered at Police Station-Aamanaka, Raipur, Distt.Raipur (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
3. This is second bail application. First bail application of the applicant has been dismissed by this Court on merits vide order dated 17.8.2020.
4. Case of the prosecution, in brief, is that 17.4 kg. of ganja was recovered from possession of the present applicant and thereby committed the aforesaid offence.
5. Mr.Naha Roy, learned counsel for the applicant, would submit that first bail application of the applicant has been dismissed by this Court on 17.8.2020

and thereafter no witnesses were examined by the prosecution. The applicant is in custody since 17.2.2020 and trial has not been progressed, charge-sheet has been filed and trial is likely to take sometime and mother of the applicant is suffering from black fungus and she is likely to undergo major surgery, as such, the applicant may be granted temporary bail.

6. On the other hand, Mr.Siddharth Dubey, learned Deputy Government Advocate for the State, formally opposes the prayer for grant of temporary bail.

7. I have heard learned counsel for the parties and perused the documents appended with the bail application.

8. Considering the fact that first bail application of the applicant was dismissed on merits, but thereafter it could not be established on record that the trial has progressed and material witnesses have been examined though the applicant is in custody for more than 1 ½ years and co-accused Pooja in whose possession 3.7 kg. of ganja was recovered has been granted bail by this Court in M.Cr.C.No.2805 of 2020 and also considering the fact that mother of the applicant is suffering from black fungus, it is directed that the applicant shall be released on temporary bail for a period six weeks on his furnishing bail bond of ₹ 25,000/- with one surety in the like amount to the satisfaction of the trial Court on or before 24th August, 2021 and he shall surrender before the trial Court on 4th October, 2021.

9. The second bail application is accordingly disposed of.

10. Certified copy today.

Sd/-

(Sanjay K. Agrawal)
JUDGE