

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7673 of 2020**

Sanjay Kumar Tripathi, Son of Shri Birendra Kumar Tripathi, aged about 38 years, caste Brahman, R/o Urai, Police Station Urai Kotwali, District Jaloun (U.P.).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Keshkal, District Kondagaon (CG).

---- Non-applicant

For Applicant	: Mr. Anukul Biswas, Advocate
For Non-applicant	: Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.01.2021**

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.105/2017 registered at Police Station Keshkal, District Kondagaon for the offence punishable under Section 20(B) of N.D.P.S. Act.
3. The first, second and third bail applications of the applicant were rejected on merits by this Court vide orders dated 13.02.2019, 13.02.2020 & 05.03.2020 passed in M.Cr.C. No.611/2019, M.Cr.C. No.1062/2020 & M.Cr.C. No.1518/2020 respectively considering *prima facie* case against him.
4. Case of the prosecution, in brief, is that on 17.09.2017 Inspector Sharad Dubey posted at Police Station Keshkal seized 50.490 kg cannabis from the joint possession of the applicant, co-accused Sanjay Diwedi and Iqbal Khan.
5. Counsel for the applicant submitted that the applicant is in jail since 17.09.2017, co-accused Sanjay Diwedi has been enlarged on bail by the co-ordinate Bench of this Court, hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per case diary.

7. This is true that the detention period of the accused and delay in trial are material factors for disposal of the bail application. But equally, it is also true that seriousness of the offence and impact of granting bail to the applicant on society are more material and important factors for disposal of the bail application.
8. This is well settled legal principle that while dealing with the bail application, the Court can neither scrutinize the evidence nor appreciate the evidence. It is only the trial Court, who can do so at the time of appreciation of the evidence.
9. Looking to the situation of COVID-19, it cannot be held that the trial Court is responsible for delay in trial.
10. While dealing with the third bail application of the applicant, this Court has already dealt the aspect of bail of co-accused Sanjay Dwivedi in para No.7.
11. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant be released on bail in the fourth round of litigation. Consequently, his fourth bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case expeditiously preferably within a period of four months from the date of receipt of certified copy of this order.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-