

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8212 of 2020

Utsav Kumar Mishra S/o Rakeshchandra Mishra Aged About 24 Years R/o Basanti Colony, Raurkela, Police Station Uditnagar, District Sundargarh, Orissa

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Singhoda, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The applicant is arrested in connection with Crime No.61/2020 registered in Police Station- Singhoda, District- Mahasamund (CG) for alleged commission of offence under Section 20 (b) of the NDPS Act.
2. Case of the prosecution, in brief, is that from the vehicle in which the applicant was present, 903 kg of ganja was recovered and the applicant failed to produce any valid authority for such possession.
3. Learned counsel for the applicant would submit that at this stage, the applicant is confining the prayer to delay in trial and long pre-trial detention. It is submitted that it is more than six months that the applicant is in jail and the trial has not proceeded significantly and even charges have not been framed. Therefore, it is prayed, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposed the bail application

by submitting that though there appears to be some delay in trial, the delay cannot be said to be so much so as to entitle the applicant to grant of bail.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the period of pre-trial detention, this being a case of commission of offence under Section 20 (b) of the NDPS Act, present does not appear to be a stage for granting bail only on the ground of long pre-trial detention in view of the Supreme Court judgment in the case of **Supreme Court Legal Aid Committee Representing Undertrial Prisoners Vs. Union of India & Ors.** (1994) 6 SCC 731, considered by this Court in the case of *Punit Ram Pandey & Ors. Vs. State of Chhattisgarh* (MCRC No.1158 of 2020 decided on 29.1.2021), as no material has been advanced to convince the Court to form an opinion that there are reasonable grounds to believe that the applicant is not guilty of commission of offence and is not likely to misuse liberty.
6. The application is accordingly rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge