

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8486 of 2020**

Bhagat S/o Late Gayaprashad Aadivasi Aged About 38 Years Caste Rajgond , R/o Ambedkar Ward Devari Tahsil And Police Station Devari, District Sagar M.P., District : Sagar, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station - Chindgad, District Sukma Chhattisgarh., District : Sukma, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Keshav Dewangan, Advocate alongwith Shri Vikash Shrivastava, Advocate.
For the Respondent/State	:	Shri B.P. Banjare, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.01.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 3454 of 2019 dated 2.9.2019 and liberty was granted to revive the application after examination of the seizure witnesses. The applicant has been arrested in connection with Crime No.25 of 2018, registered at Police Station – Chindgad, District – Sukma, Chhattisgarh for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.10.2018 and has been falsely implicated in this case. The trial

against him has although proceeded but the important witnesses of the case have not appeared. One of the seizure witnesses has expired and the other witness is not appearing despite notices sent to him. The applicant is in jail since more than two years and the trial against him has not made any progress. Apart from that, the applicant is a patient of HIV. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is resident of other state, therefore, if he is released on bail he may not be available for trial. It is also submitted that there had been a clear direction in previous order of bail application that the application can be revived only after the examination of seizure witnesses whereas, the application has been filed before that. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution case is that on the date of incident, 40.680 kg of ganja was seized from the possession of this applicant and the other co-accused. Hence, this case.

6. Considered the submissions and the facts of the case. It is found that the applicant is in custody since about more than two years and the trial against him has not made any progress, therefore, looking to the delay occurred in the trial, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge