

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8337 of 2021**

- Shreyansh Jhabak S/o Ramesh Jhabak Aged About 36 Years R/o Panchsheel Nagar, Police Station Civil Lines, District Raipur Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through Station House Officer Of Police Station City Kotwali, Raipur District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shailendra Dubey, Advocate
For Respondents/State	:	Shri Adil Minhaz, Govt. Advocate

Order on Board**By****Hon'ble Shri Justice Goutam Bhaduri****09/12/2021**

1. Heard.
2. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30.09.2020 in connection with Crime No.255/2020 registered at Police Station City Kotwali, Raipur, Chhattisgarh (CG) for the offence punishable under Sections 22 (c), 29, 25 & 27 of NDPS Act.
3. The first bail application bearing MCRC No.8604 of 2020 was dismissed on merits on 29.01.2021. The second bail application bearing MCRC No.3073 of 2021 was dismissed on 25.06.2021.
4. The applicant preferred SLP (Crl) No.5508/2021 which was dismissed on merits by the Hon'ble Supreme Court on 06.08.2021 in view of the recovery attributed from the applicant and declined to interfere with the order of this Court.

Subsequently, the applicant has filed R.P. (Crl.) No.363/2021 in SLP (Crl.) No.5508/2021, the same was also dismissed by the Hon'ble Supreme Court by order dated 28.09.2021.

5. Learned counsel for the applicant would submit that there is undue delay caused by the trial Court and the co-ordinate Bench of this Court has granted bail to the other co-accused persons from whom much more contraband was recovered, therefore, the applicant may be enlarged on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Perused the order of the Hon'ble Supreme Court. The bail applications of the applicant were rejected by this Court on merit, which was further affirmed by the Hon'ble Supreme Court, considering the nature of recovery.
8. Perusal of the order sheets of the trial Court would show that the trial is at advanced stage. Only official witnesses are required to be examined for which summons have already been issued. The order of the Hon'ble Supreme Court placed before the trial Court on 28.09.2021 and when the case taken up on 08.10.2021 the bailable warrant was issued and the case was fixed for hearing on 25.10.2021 and subsequently on 06.12.2021 and 08.12.2021, therefore, I do not find that any undue delay has been caused by the trial Court.
9. In view of the above, I am not inclined to release the applicant on bail.
10. Accordingly, the bail application is dismissed.

sd/-
Goutam Bhaduri
Judge

Ashu