

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9626 of 2021**

Rameej Raza S/o Shekh Kasim Aged About 31 Years R/o
Renuka Kirana Store, 9-A, Deepak Nagar, Surendragadh, Katol
Road, Thana Gitti Khadan, District Nagpur Maharastra

---- Applicant**Versus**

State of Chhattisgarh through P. S. Nagarnaar, District Bastar CG

---- Non-applicant

For applicant	Mr. Vikas Shrivastava, Adv.
For non-applicant/State	Mr. Aditya Tiwari, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****17-12-2021**

1. As per applicant, this is 3rd bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court. His first bail application under Section 439 of Cr.P.C. was dismissed as withdrawn vide order dated 13-7-2021 passed in MCRC No. 830/2021. His second bail application under Section 439 of Cr.P.C. was dismissed vide order dated 26-10-2021 passed in MCRC No. 7243/2021.
2. The applicant has been arrested in connection with Crime No. 100/2020 registered in police station Nagarnaar, Distt. Bastar, (CG) for offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution in brief is that on secret information received by the police officials of PS Nagarnaar, they stopped vehicle Bolero Pick-up bearing registration No. MH 38 X 0801, in which applicant and other co-accused were transporting 109 kg contraband article Ganja, which was seized from the possession of the applicant and other co-accused from the said vehicle. FIR was lodged against the applicant and co-accused. After due investigation, charge sheet for the aforesaid offence was filed, which is pending before the trial Court.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 22-6-2020. Only 5 witnesses have been examined till now. Conclusion

of trial is likely to take long time. Co-accused Mohammad Tanveer has been granted bail by the coordinate bench vide order dated 25-8-2021 passed in MCRC No. 4937/2021. Hence, the applicant may also be enlarged on bail

5. On the other hand, the State Counsel opposed the bail application and submitted that the applicant's second bail application was dismissed on 26-10-2020 on merit, trial is going on. Five witnesses have already been examined. It is a case of possession/transportation of 109 kg contraband article Ganja. Hence, the applicant is not entitled to be enlarged on bail.
6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. Considering the submissions made by counsel for both the parties, further considering the fact that 2nd bail application of the applicant has been dismissed on merit, and other facts and no new circumstance has been shown by counsel for the applicant entitling him for releasing him on bail, I am not inclined to grant bail to the applicant.
8. Consequently, this 3rd bail application is also rejected.
9. However, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of 3 months from the date of receipt/production of certified copy of this order. If no substantial progress is done in the trial, then the applicant shall be at liberty to move a fresh bail application.

Sd/-

(N.K. Chandravanshi)

Judge