
(2018) 08 CHH CK 0007
In the Chhattisgarh High Court
Case No : MCRC No. 5312 of 2018

Ajit Kannaujiya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 06-08-2018

Acts Referred:

Civil Procedure Code, 1908 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20B (ii)(b), 42

Citation : (2018) 08 CHH CK 0007

Hon'ble Judges : GOUTAM BHADURI, J

Bench : Single Bench

Advocate : Shobhit Koshta, SK Mishra

Final Decision : Allowed

Judgement

1. This is the Second 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 15.12.2015 in connection with Crime No.220/2015 registered at Police Station Nagarnaar, District Bastar (CG) for the offence

punishable under Section 20B (ii-b) of NDPS Act.

2. The First Bail Application bearing M.Cr.C. No.6667 of 2016 was dismissed as withdrawn on 17.11.2016.

3. As per the prosecution case, on 15.12.2015 on a secret information received a raid was conducted and from the possession of the applicant in a car

bearing registration No.MP65/C/1340, 18.20 KG cannabis was recovered.

4. Learned counsel for the applicant submits that the applicant is in jail since 15.12.2015 i.e. for more than 2 years and 8 months and Nand Jharokha

Suman (PW-12) has completely turned hostile and has established the fact that there has been violation of mandatory Section 42 of the NDPS Act.

He further submits that because of no fault of the applicant, the applicant is in jail, therefore, the applicant may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Considering the fact that the applicant is in jail for the last 2 years and 8 months and further taking into that the delay in trial is not attributed to the applicant and the quantity of the cannabis so seized, I am inclined to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/-

with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.