



2025:CGHC:53622

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8711 of 2025

Hariom Pal S/o Jagdish Pal, Aged About 34 Years, R/o Village Mausampur, Police Station Mitauli, District Lakhimpur Kheri, Uttarpradesh. (Wrongly Written In Impugned Order As Jhkimpurkhiri)

... Applicant

versus

State of Chhattisgarh Through SHO Police Station Devbhog, District Gariyaband (C.G.)

... Non-Applicant

For Applicant	: Mr. Ravikar Patel, Advocate.
For Non-Applicant/State	: Ms. Ankita Shukla, Panel Lawyer.

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Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

03.11.2025

1. This is the **Second bail application** filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 356/2024 registered at Police Station – Devbhog, District Gariyaband (C.G.), for the offence punishable under Section 20-B(II)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of the prosecution, Police Station Devbhog, District Gariyaband (C.G.), received information from an informant and, on the basis of the said information, conducted a raid and seized a total of 33.7

kilograms of the contraband substance Ganja from the joint possession of the present applicant and the co-accused persons. Thereafter, the police registered an offence punishable under Section 20-B(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, against the present applicant.

- 3.** The first bail application of the applicant was rejected by this Court on merit vide order dated 31.01.2025 passed in MCRC No. 901/2025.
- 4.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the applicant has been in jail since 08.11.2024, and out of 14 witnesses, only 3 have been examined so far, and all of them have turned hostile. It has been informed by learned counsel for the applicant that today was the date fixed by the Trial Court for recording the remaining evidence of the prosecution witnesses, and the next date fixed for recording their evidence is 08.01.2026. Learned counsel further submits that the applicant has no previous criminal antecedents, and the conclusion of the trial is likely to take some time. Therefore, he prays that the present applicant be released on regular bail.
- 5.** Learned counsel for the State opposes the bail application and submit that the charge-sheet has been filed in the present case before the competent Court. She further submits that first bail application of the applicant was rejected by this Court on the ground that the contraband article i.e. 33.7 Kgs Ganja which has been seized from the joint possession of the present applicant, is much above the commercial quantity and the applicant has failed to give any explanation for the same, further it cannot be a case of false implication, as such, the applicant is not entitled to be released on bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Upon perusal of the order dated 31.01.2025, it is apparent that the first bail application of the applicant was rejected by this Court on the ground that the contraband article, i.e., 33.7 kilograms of Ganja, was recovered from the joint possession of the present applicant and the co-accused person. The quantity seized is much above the commercial quantity, and the applicant failed to furnish any satisfactory explanation for the same. It was also observed that it could not be a case of false implication, particularly when the trial is already in progress. Out of 14 prosecution witnesses, only 3 have been examined so far, and although they have turned hostile, such conduct amounts to tampering with the evidence.
8. With regard to the status of the trial, learned counsel for the applicant has informed that today was the date fixed by the trial Court for recording the evidence of the remaining prosecution witnesses and the next date now fixed for recording their evidence is 08.01.2026.
9. If that is so, then the learned trial Court is directed to pre-pone the matter and fix short dates for recording of evidence, considering that the applicant is in custody since 08.11.2024. Further, the Director General of Police, Chhattisgarh, Raipur, is directed to ensure the presence of all remaining witnesses, including the concerned police personnel, before the trial Court on the date so fixed for expeditious disposal of the trial.
10. Accordingly, the second bail application of the applicant - **Hariom Pal** filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, involved in Crime No. 356/2024 registered at Police Station – Devbhog, District - Gariyaband (C.G.), for the offence punishable under Section 20-B(II)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**. However, this Court hopes and trust that the trial Court shall

make an earnest endeavour to conclude the trial within a period of **four months** from the date of receipt of a certified copy of this order, if there is no legal impediment.

- 11.** Before parting, this Court deems it appropriate to observe that in several cases it has been noticed that the trial Courts tend to grant long adjournments even where the accused is in custody. Such practice not only delays the conclusion of the trial but also adversely affects the fundamental right to speedy trial guaranteed under the Constitution of India. Therefore, all trial Courts are directed to make earnest efforts to avoid unnecessary adjournments and to fix short and continuous dates for recording evidence, particularly in cases where the accused is in judicial custody, unless there exists any unavoidable or compelling circumstance.
- 12.** The Registrar General of this Court is directed to circulate a copy of this order to all the Principal and District Judges of the State as well as the Director General of Police, Chhattisgarh, Raipur, for necessary information and compliance, today itself.

**Sd/-
(Ramesh Sinha)
Chief Justice**