

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4587 of 2016

- Mustak Khan S/O Mohd. Mumtaj Khan Aged About 31 Years
Nayapara Mahasamund, Civil & Revenue Distt. - Mahasamund
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police
Station Tendukona, Police Outpost - Bundeli, Distt. - Mahasamund
Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-8-2016

1. This is the first 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 15-05-2016 in connection with Crime No. 55 of 2016, registered at Police Station Tendukona, Police Outpost Bundeli, District Mahasamund (CG) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on 15-5-2016 on a raid being made from the possession of the applicant 1.5 kg cannabis was recovered.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated. It is submitted that the contraband was not seized in person from the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 15-5-2016 and no further evidence is

required. It is further submitted that the case of the present applicant is similar to the case of other co-accused who has been enlarged on bail vide order dated 22-7-2016 passed by this Court in M.Cr.C.No.3927 of 2016, therefore, the applicant may also be enlarged on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the bail application, however, he does not dispute the fact that similarly placed other co-accused has been released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, quantity of the cannabis seized and also the fact that charge-sheet has been filed, the applicant is in jail since 15-5-2016 and further considering the fact that similarly placed co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju