

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5494 of 2016

- Rakesh Kumar Gupta S/O Krishna Kumar Gupta Aged About 28 Years R/O Village Katinda, Police Station Lakhanpur, District-Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District-Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-09-2016

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 9-5-2016 in connection with Crime No. 298 of 2015, registered at Police Station Ambikapur, District Surguja (CG) for the offence punishable under Section 279 of the IPC, Section 21 of the NDPS Act, 1985 and Section 3 (v) of the Prevention of Damage to Public Property Act, 1984.
2. As per prosecution case, on 9-5-2016 the applicant while driving a car in high speed met with an accident. When the car was searched, it was found that 400 bottles of cough syrup which contain contraband drug i.e., codeine were being transported in the said car.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 9-5-2016 and no further investigation

is required. He would further submit that the case of the present applicant is similar to that of other co-accused has been granted bail vide order dated 8-8-2016 passed by this Court in M.Cr.C.No. 4360 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by this Court.
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, nature of allegation leveled against the applicant and considering the fact that the charge-sheet has been filed, the applicant is in jail since 9-5-2016 and further considering the fact that similarly placed other 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