

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1213 of 2017

- Sandeep Sahu S/o Ashok Sahu, Aged About 30 Years R/o Village-Tolge, Thana Lailunga, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer , Police Chowki Kotba, Police Station Baagbahar, District- Jahspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-3-2017

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 16-9-2016 in connection with Crime No. 138 of 2016, registered at Police Station Baagbahar, District Jashpur (CG), for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per prosecution case, on 16-9-2016 on information received that the applicant is in possession of contraband and while they were coming on motor-cycle the applicant was intercepted and it was found that the applicant was traveling along with two others, one was a girl and another was Deenuram Banjara and after intercepted, search was made and from the possession of the girl 3 kg cannabis was recovered from her bag and thereby the aforesaid offence has been committed.

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 16-9-2016. He would further submit that the case of the present applicant is similar to that of other co-accused namely Deenuram Banjara who has been granted bail vide order dated 02-01-2017 passed by this Court in M.Cr.C.No. 8361 of 2016, therefore, the present 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 that of other 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 charge-sheet has been filed, the applicant is in jail since 16-9-2016 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