

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1253 of 2017

- Tikaram Sahu S/o Nootram Sahu, Aged About 28 Years R/o Village Guruwaidabri, Police Station- Lalpur, District- Mungeli, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station - Lalpur, District Mungeli, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vikas Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-03-2017

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 27-7-2016 in connection with Crime No. 130 of 2016, registered at Police Station Lalpur, District Mungeli (CG) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act.
2. As per prosecution case, on 28-7-2016 an information was received that the applicant along with other co-accused were traveling on a motor-cycle carrying with cannabis upon which, their motor-cycle was intercepted and when a search was made total 8.500 kgs of cannabis were recovered from five accused persons.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and only 3 Kgs of Ganja was alleged to have been recovered from the applicant and the seizure of cannabis was not shown to be made from joint

possession. He would further submit that the case of the present applicant is similar to that of other co-accused namely Milan Singh who has been granted bail vide order dated 9-11-2016 passed by this Court in M.Cr.C.No. 6987 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 is not able to dispute the fact that that individual recovery has been made and from the applicant only 3 kgs of cannabis was recovered. He is also not able to 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. Considering the facts and circumstances of the case and the quantity and recovery of Ganja made from the applicant is alleged to be of 3 Kgs 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

