NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5959 of 2018

- Devendra Bhagat S/o Late Anup Bhagat Aged About 70 Years R/o Fatehpur Khudmas, P. S. Radhopur, District Vaishali, Bihar

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Nagarnar, District Baster Chhattisgarh,

---- Respondent

For Applicant : Shri Shobhit Koshta, Advocate
For Respondent/State : Shri RK Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/09/2018

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 30/08/2016 vide M.Cr.C. No. 4983 of 2016 and the second bail application was dismissed on 19.05.2017 vide M.Cr.C. No.3661 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.04/2016 registered in Police Station Nagarnar, District Bastar (C.G.) for offence punishable under section 20 (B) of NDPS Act.
3. As per the prosecution case, on information being received, a raid was conducted by the Police party and thereafter the applicant was intercepted and

he was found in possession of 18 kgs of cannabis and the same were recovered from him

4. Learned counsel for the applicant submits that the other co-accused has been enlarged on bail on the ground of delay in trial and the case of the present applicant is similar to that of the other co-accused namely Shravan Kumar, who has been granted bail on 30.07.2018 vide M.Cr.C. No.3225 of 2018, therefore, the applicant may also be enlarged on bail.

5. Learned State counsel is not able to dispute the fact that the co-accused has been enlarged on bail.

6. Considering the fact that the co-accused has been enlarged on bail on the ground of delay, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

Goutam Bhaduri
Judge

Ashu