

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MISC. CRIMINAL CASE NO. 6165 OF 2018**

Sikkim Behara S/o Choudhri Behara, aged about 30 years, R/o Badahola, Tahsil Kishore Nagar, District Angul, Odisha.

**... Applicant**

**Versus**

State of Chhattisgarh, through Police Station Bodhghat, Jagdalpur, District Bastar (CG).

**... Respondent**

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| For Applicant        | : | Shri Rajesh Kumar Jain, Advocate. |
| For Respondent-State | : | Shri DK Wankhede, Govt. Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**25/09/2018**

1. This is first bail application seeking for grant of bail to the Applicant who is in jail since 16.01.2018 in connection with Crime No.17 of 2018 registered at Police Station Bodhghat, Jagdalpur, Distt. Bastar for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, the applicant and other co-accused namely Gopal Saha were found in possession of 2 KG and 4 KG of Ganja respectively at Railway Station, Jagdalpur (CG).
3. Learned Counsel for the applicant submits that the allegation against co-accused Gopal Saha is also same and that co-accused has already been granted bail by this court on 26.06.2018 in M.Cr.C. No.3470 of 2018 and thus, prayed that the present applicant may also be granted bail on the ground of parity as the case of the present applicant is better as compared to the case of co-accused in as much as the contraband seized from the applicant is much less than what was found in possession of the co-accused. The applicant

has remained in custody for more than nine months. He further submits that the case of the applicant be also considered on the ground of delay in trial as except for framing charges no evidence on behalf of the prosecution has been recorded till date.

4. The State counsel on the contrary opposes the bail application on the ground that it is a case of NDPS Act and the applicant was found in possession of 2 KG of Ganja.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that trial itself has not been progressed except for framing charges; the co-accused person has already been granted bail by this Court; the allegations are the similar; there is no past antecedent of the applicant and also considering the period of custody undergone, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/  
(P. Sam Koshy)  
Judge**