

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6139 OF 2018

Gulab Kumar S/o Suryabali, aged about 40 years R/o Aravgulnar PS Fartangunj, District Aajamgarh (UP).

... Applicant

Versus

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

... Respondent

For Applicant	:	Shri PK Tulsyan, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/09/2018

1. This is first bail application seeking for grant of bail to the Applicant who is in jail since 22.01.2017 in connection with Crime No. 8 of 2017 registered at Police Station Nagarnar, Distt.Bastar for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, the applicant on 22.01.2017 while traveling on motorcycle along with one Tulsidas were found in possession of around 20.5 KG Ganja.
3. Learned Counsel for the applicant submits that the allegation against co-accused Tulsidas is also same and that co-accused Tulsidas has already been granted bail by this court on 15.05.2017 in M.Cr.C. Nos.1696 of 2018 and thus, prayed that the present applicant may also be granted bail on the ground of parity. He further submits that the case of the applicant be also considered on the ground of delay in trial as it is almost one year and eight months time have lapsed

from the date of arrest and till date not a single witness have been examined.

4. The State counsel submits that co-accused Tulsiram was granted bail on the ground that he was driving the motorcycle and the contraband was seized from the possession of present applicant and therefore the order passed in favour of Tulsiram is distinguishable on facts.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that other co-accused person has already been granted bail by this Court and further the allegations are the similar and also considering the period of custody undergone i.e. about 20 months, 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