

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6759 OF 2018

Rakesh Mishra Rakesh Mishra Aged About 26 Years R/o Ramnagar, Tarhar,
Police Station Dehat Kotwali, Gonda, District Gonda U. P.

... Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Gariyaband District Gariyaband Chhattisgarh.

... Respondent

For Applicant	:	Smt. Fouzia Mirza, Advocate.
For Respondent-State	:	Shri Chandresh Shrivastava, PL.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/10/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 29.07.2017 in connection with Crime No. 146 of 2017 registered at Police Station Gariyaband, Distt. Raipur for the offence punishable under Section 20-B of the NDPS Act.
2. As per prosecution case, the applicant and other co-accused persons Shankar Singh and Ramraman Shukla were found carrying together 90 KG of Ganja.
3. Learned Counsel for the applicant submits that two co-accused persons in the instant case namely Ramraman Shukla and Shankar Singh have already been granted bail by this court in MCRC Nos. 5340/2018 and 6860/2018 on 20.08.2018 and 17.09.2018 respectively. She further submits that the nature of allegations and the factual matrix of the case so far as the present applicant is concerned, are identical to that of two accused persons who have

been granted bail, and thus, prayed that the present applicant may also be granted bail on the ground of parity.

4. The aforesaid factual matrix of the case is not disputed by the State counsel however he opposes the bail application referring to the quantity of Ganja received from the possession of the applicant.
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 persons have already been granted bail by this Court, considering the period of custody undergone by the applicant and also keeping in view the fact that all seizure witnesses to the recovery have already turned hostile, 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 two local sureties of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

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