

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6860 of 2018**

Shankar Singh S/o Sastanand, Aged About 24 Years, R/o Village  
Chanda, Police Station Athman Gola, District Patna, Bihar

**---- Applicant****Versus**

State Of Chhattisgarh Through The Station House Officer, Police  
Of Police Station Gariaband, District Gariaband, Chhattisgarh

**---- Respondent**


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| For Applicant        | : | Ms. Smita Jha, Advocate          |
| For Respondent/State | : | Shri Ratan Pusty, Govt. Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****17/09/2018**

This is the third bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 29.07.2017 in connection with Crime No. 146/2017 registered at Police Station- Gariaband, District Gariaband (CG) for the offence punishable under Section 20(B) of NDPS Act.

2. The earlier two bail applications were either withdrawn or rejected vide order dated 15.02.2018 and 08.12.2017. The third bail application has been filed on the ground that on identical set of facts, the Co-ordinate Bench of this Court has granted bail to the co-accused person in MCRC No. 5340 dated 20.08.2018.

3. Contention of the counsel for the applicant is that the bail granted to the co-accused was on the ground that the material witnesses

particularly in connection with the seizure and recovery have not supported the case of the prosecution and turned hostile during the course of recording their evidence. She submits that the allegation against the present applicant is also identical in nature and therefore, on the ground of parity, he should also be released on bail.

4. State counsel, however, opposes the bail application on the ground that this Court earlier on two occasions had rejected the bail application of the applicant.

5. Taking into consideration the subsequent development and the fact that the co-accused against whom identical allegations have been made has been granted bail by the co-ordinate Bench of this Court in MCRC No. 5340/2018 and also taking into consideration the evidence which has been recorded till now, this Court is of the opinion that present applicant is also entitled for grant of bail on the ground of parity.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

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