

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8120 of 2018

Basant Guru S/o Ayodhya Guru Aged About 38 Years R/o Ward No.
2, Sindhiband, Talipara, P. S. Bargarh District Bargarh Odisha,

--- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Tarbahar District Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Rajeev Kumar Dubey, Advocate.
For the Respondent	:	Mr. D. R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.10.2018

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 392/2016 registered at Police Station Tarbahar, District Bilaspur, Chhattisgarh for the offence punishable u/s 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The first bail application was dismissed on 20.03.2017
3. As per the prosecution case, on 15.12.2016 the police had information that the applicant was transporting contraband cannabis in the Car and immediately thereafter when the said Car was intercepted, 55 Kgs., of cannabis were recovered from the car.
4. Learned counsel for the applicant submits that after the statement of accused was recorded on 02.05.2018 again application was filed by the prosecution under section 311 of Cr.P.C., which was allowed and the case has been reopened and till date no further evidence has been led by the

prosecution and the applicant is in jail since 15.12.2016. He further submits that similarly placed accused Satish Kumar Pradhan has been enlarged on bail by this Court in M.Cr.C.No.6756 of 2017 and the case of the applicant is also on similar footing, therefore, the present applicant may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that similarly placed accused has been enlarged on bail by this Court.
 6. Considering the fact that the other accused whose case is akin to the case of present applicant has been enlarged on bail by this Court and further looking to the period of custody of the applicant as he is in jail since 15.12.2016, at this stage, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**