

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2584 of 2019

- Kartik Jarel S/o Dhaneshwar Jarel, Aged About 21 Years, R/o Ramguda Police Station Chitrakonda District Malkangiri (Odisha), District : Malkangiri, Orissa

---- Applicant

Versus

- State of Chhattisgarh; Through The Police Station Nagarnar District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-05-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-07-2017 in connection with Crime No.171/2017 registered at P.S. - Nagarnar, District Bastar, Chhattisgarh for the offence under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out. The applicant is in jail since 11-07-2017. Similarly placed co-accused Susil Kumar has been granted bail by this Court by order dated 06-08-2018 in MCRC No.4956 of 2018. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that only on the ground that the co-accused has been granted bail this applicant cannot be benefited with grant of bail. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Police personnel of Police Station Nagarnar District Bastar have made seizure of 70 kg. of Ganja jointly from the possession of this applicant and other co-accused persons who were traveling in a car. Hence, this case.

6. Considered on the material present in the case diary. It has been submitted that independent witnesses of search and seizure have not supported the prosecution case. Considering that similarly placed co-accused person has been granted bail by this Court, therefore, on the ground of parity this applicant is also entitled for grant of regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge