

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5944 of 2019**

- Manish @ Praveen Gupta S/o Shri Preamchand Gupta Aged About 30 Years R/o Padariya, Thana Amarkantak, District Anuppur(M.P.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Borai, District - Dhamtari Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Rajesh Jain, Advocate
For Non Applicant	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.10.2019**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 01.02.2019 passed in MCRC No.9724 of 2018 considering prima facie case against him, his second bail application was also rejected by this Court by order dated 16.05.2019 passed in MCRC No.3082 of 2019, considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.29/2018 registered at Police Station- Borai, District- Dhamtari (C.G.) for the offence punishable under Section 20-B of N.D.P.S. Act, 1985.
4. Prosecution story in brief is that on 03.10.2018 at about 11:50 hr at

village Likhma, Inspector N.L. Mandavi seized 18 kg cannabis from the possession of the applicant.

5. Counsel for the applicant submitted that two other co-accused have been bailed out by Coordinate Bench of this Court vide order dated 28.06.2019 passed in MCRC No.3329 of 2019, thus, looking to principle of parity applicant may also be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that one more case under IPC has been registered against the applicant in police case diary.
7. The order of Coordinate Bench is subsequent to aforesaid orders of this Court. More over in the said order of the Coordinate Bench it has been mentioned that no criminal antecedent was registered against the accused but in the case in hand one another case under IPC has been registered against the applicant. Thus, case of applicant is not identical to that of co-accused which have been released on bail by Coordinate Bench of this Court. Thus, applicant can not claim the bail under the principle of parity.
8. Looking to the above mentioned facts and circumstances of the case, the third bail application of applicant is rejected.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul