

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 36 of 2019**

Maheshwar Mukhi S/o Anomomukhi Aged About 26 Years Caste Harijan, R/o Village Boidha, Police Station Handpa, Tahsil Kishan Nagar, District Angul Orissa

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bodhghat, District Bastar Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Vikas A. Shrivastava, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/01/2019**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 17/2018 registered at Police Station Bodhghat, District Bastar, Chhattisgarh for the offence punishable under Section 20(B) of the N.D.P.S. Act.
2. The present applicant is in jail since 17.01.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant and the other accused persons were found on the Railway station at Jagdalppur and each of the applicant and other accused persons were found carrying bags of *Ganja*. From the present applicant, the prosecution recovered 2 Kgs of *Ganja*.

4. The counsel for the applicant submits that applicant has by now put in about one year of custody period and the trial also is progressing at a slow pace and he is unnecessarily languishing in jail. It is the further contention of the counsel for the applicant that the two other accused persons, arising out of the same crime, have already been granted bail by this Court in MCRC No. 3470/2018 and MCRC No. 6165/2018 vide order dated 26.06.2018 and 25.09.2018 respectively. The counsel for the applicant submits that the nature of allegations, leveled against the present applicant also are identical to two aforesaid accused persons, who have already been released on bail. According to the applicant, the quantity of contraband seized in the present case is only *2 Kgs of Ganja*, whereas the persons, who have been released on bail, were also found to be in possession of 4 Kgs and 2 Kgs of *Ganja* each. Thus on the ground of parity also, the applicant deserves to be released on bail.
5. The State counsel however opposing the bail application submits that the act on the part of the respondents seems to be part of an organized crime and each of them were found in possession of separate bags of *Ganja* and taking into consideration the nature of the offence, the applicant do not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of record so also taking into consideration the period of custody undergone and further that there does not appear to be a fast progress made in the trial and also taking note of the fact that two of the co-accused persons have already been released on bail. Further also taking note of the fact that the prosecution has not been able to

state whether there was any past antecedent in respect of applicant available, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said Court.

Sd/-
(P. Sam Koshy)
Judge

Ved