

NAFR

HIGH COURT OF CHHATTISGARH BILASPUR

M.Cr.C. No.1315 of 2020

- Taufik Aalam S/o Rafik Ahmad Shekh Aged About 32 Years R/o Ward No. 06, Valani Khadan, Rohana Thana Kaparkheda, Tahsil And District Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-03-2020

Heard.

1. This is second application for grant of regular appeal filed by the applicant. The first application filed by this applicant as M.Cr.C. No.4724 of 2019 was dismissed as withdrawn on 08.08.2019.
2. It is submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. The applicant was simply a driver of the vehicle and he was driving the vehicle on the instructions given by the person who had hired him. He has no connection with the contraband seized in this case. The applicant is in jail since 15.03.2019. The trial has not made any progress. One of the co-accused- Amar Raut has been granted regular bail by the Co-ordinate Bench in M.Cr.C. No.8041 of 2019 vide order dated 10.02.2020. therefore, this applicant is also entitled for grant of bail.
3. Learned counsel for the State/non-applicant opposes the submissions and submits that the applicant is resident of Nagpur, Maharashtra,

therefore, if he is granted bail, he may not be available for the trial and this may hamper the progress of the trial. Therefore, it is prayed that his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the Scorpio Vehicle Bearing No. M.H.49 B 8734 was stopped and seized by the police personnel and in total 60 kg of Ganja, narcotic substance, was found to be transported by the persons who were occupying the vehicle. The applicant is also one of the occupant of the vehicle.
6. Considering that the applicant is in jail since about one year and also that similarly placed co-accused persons have been granted bail. Therefore, only on ground of parity, I feel inclined to allow this application.
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

Monika