

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1756 of 2020**

1. Mohammad Kaleem S/o Mohammad Salim Aged About 32 Years R/o Sindhi Kotwali Amla Mohalla Near Fulmati Temple, District Sidhi Madhya Pradesh, District : Sidhi, Madhya Pradesh
2. Mohammad Taki S/o Dulare Khan Aged About 35 Years R/o Village Dhanaur, Post Madwas, District Sidhi Madhya Pradesh, District : Sidhi, Madhya Pradesh
3. Mohammad Rafi S/o Mohammad Rajak Aged About 36 Years R/o Village Dhanaur, Post Madwas, District Sidhi Madhya Pradesh, District : Sidhi, Madhya Pradesh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vikas Pandey, Advocate on behalf of Shri Vikas Shrivastava, Advocate.
For the Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.05.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.265 of 2019, registered at Police Station – Kondagaon, District – Kondagaon, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in

jail since 19.10.2019 and have been falsely implicated in this case. Similarly placed co-accused person, namely, Mohammad Tauqeer has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No.9 of 2020 vide order dated 11.2.2020. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of recovery of huge quantity of contraband and also the applicants are residents of Madhya Pradesh. Hence, the applicants are not entitled for grant of bail.

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

5. 50.35 kg of ganja (narcotic substance) was recovered jointly from these applicants and co-accused – Mohammad Tauqeer while the same was being transported. Hence, this case.

6. Considering the fact that similarly placed co-accused person – Mohammad Tauqeer has been granted regular bail by the Co-ordinate Bench of this Court and on the grounds of parity, I feel inclined to grant bail to the applicants in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge