

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8454 of 2019**

Kamlesh Sonwani, S/o Shri Ram Lal Sonwani, aged about 35 years, R/o Kavita Hotel, Main Road Pandri, Raipur, District : Raipur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station : Komakhan, District : Mahasamund (C.G.)

----Non-applicant

For Applicant : Mr. Jitendra Shukla, Advocate.
For Non-applicant/State : Mr. Anurag Verma, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****07/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 48/2018 registered at police Station Komakhan, Distt. Mahasamund (C.G.) for the offence punishable under Section 20B of the N.D.P.S. Act.

(2) Case of the prosecution, in nutshell, is that applicant was found in possession of 104 kilograms Ganja, which he was carrying unauthorisedly for sale.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as there is no evidence available on record to connect the applicant with the crime in question. He further submit that applicant is in detention since 14.07.2019; charge sheet has already been filed and similarly situated co-accused person namely Sunil Reddy has already been granted bail by this Court vide order dated 06.12.2019 in M.Cr.C.

No. 6495 of 2019, and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted bail by this Court in M.Cr.C. No. 6495/2019

(5) Taking into consideration the facts & circumstances of the case; particularly the facts that similarly situated co-accused person has already been granted bail by this Court vide order dated 06.12.2019 passed in M.Cr.C. No. 6495 of 2019; applicant is in detention since 14.07.2019 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

