

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 431 of 2021**

Budh Singh Jaiswal, Son of Laxman Jaiswal, aged about 40 years, resident of Village Mado Thana- Naigadhi, District- Rewa (Madhya Pradesh).

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Kondagaon, District- Kondagaon (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/06/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.336/2019, registered at Police Station – Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 21 (b) of N.D.P.S. Act. The first bail application M.Cr.C. No.8952 of 2020 was dismissed as withdrawn vide order dated 23.12.2020.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The contraband that has been shown to be seized from the possession of this applicant, was not the belonging of this applicant. The seizure of the contraband was made jointly from this applicant and other accused persons. One of the accused person namely Israel Khan has been granted bail by the trial Court, therefore, this applicant also is similarly placed. Hence,

the applicant is entitled for grant of 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 seizure of commercial quantity of cannabis was made from this applicant and others. Further this applicant is resident of M.P., therefore, his release may cause hurdle in the trial, which is pending in the trial Court, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, seizure of 64.200 Kg. Ganja was made from the possession of three accused persons jointly, applicant is one of them.
6. Considered on the submissions and the facts of the case. As it appears that one of similarly placed co-accused Israel Khan has been granted bail by the trial Court itself, hence on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge