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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2954 of 2021

- Mukhtaar Ansari S/o Imamuddin Ansari, Aged About 23 Years, R/o Village- Dabgadhi, Barbaspur, P.S.- Pratappur, Tehsil- Pratappur, P. O.- Karasi, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Police Station- Farasgaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Pandey, Advocate.

For State/Non-applicant – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. His first bail application, MCRC No.53 of 2019 was dismissed on merits on 11-02-2019. The second application filed by the applicant, MCRC No.1660 of 2020 was again dismissed on 18-03-2020 by holding that there is no change in the circumstances for grant of bail to the applicant. The applicant has been arrested on 19-04-2018 in connection with Crime No.34/2018 registered at Police Station – Farasgaon, District Kondagaon, Chhattisgarh for offence under Section 20 (b) (ii) (C) of N.D.P.S. Act.

2. It is submitted by learned counsel for the applicant, that the applicant is in jail since 19-04-2018. Similarly placed co-accused persons namely, Tokeshwar Banjara and Tarachand Banjara have been granted bail by this Court in MCRC No.8319 of 2019, therefore, on this basis this applicant is also entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the earlier first bail application has been rejected on merits and subsequently, the grant of bail to the co-accused persons was brought to

the notice of the Bench even then the second application filed by the applicant was dismissed, therefore, the present application is not maintainable.

4. Heard learned counsel for the parties and perused the documents.

5. Considered on the submissions. The ground in the present bail application is this, that co-accused persons have been granted regular bail, whereas, this ground was earlier raised in MCRC No.1660 of 2020, which has been declined by the Court in order dated 18-03-2020, therefore, this Court cannot now review that order and reconsider on the same ground. Hence, for this reason this application is dismissed and disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge