

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2920 of 2021

- Hurshikesh Donta S/o Damodar Donta, Aged About 23 Years, R/o Village Dupla, Police Station, Monokunda, District Bodh (Orrisa), District : Baudh *, Orissa

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Torwa, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For State/Non-applicant – Smt. Smriti Shrivastava, Panel Lawyer.

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 second bail application before this Court filed by the applicant for grant of regular bail. His first bail application, MCRC No.1284 of 2019 was dismissed as withdrawn. The applicant has been arrested on 27-01-2018 in connection with Crime No.38/2018 registered at Police Station – Torwa, District Bilaspur, Chhattisgarh for the offence under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 27-01-2018, therefore, his detention is now about 3½ years. The trial against him has still not concluded. The co-accused persons namely Jeevan Kumar Sahu, Sushanta Sahu and Anil Bahara have been granted bail by this Court. Therefore, the applicant who is similarly placed is also entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of the contraband seized from the possession of this applicant is commercial quantity, further, the applicant is resident of Odisha, therefore, if he is granted bail he may not be available for trial. Hence,

the application may be rejected.

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

5. 26.250 kg. Cannabis (ganja) was seized from the possession of this applicant. Including the seizure that has been made from the other co-accused persons the total weight of the seized cannabis was 102 kg.

6. After considering on the submissions and finding that co-accused Jeevan Kumar Sahu has been granted bail by the coordinate Bench of this Court in MCRC No.9190 of 2020 vide order dated 13-04-2021 and this Court has granted bail to co-accused persons Sushanta Sahu and Anil Bahara in MCRC No.2494 of 2021 by order dated 29-06-2021 on the ground of parity, therefore, this applicant also appears to be entitled for grant of bail.

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