

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3891 of 2021

- Shajid Khan S/o Javed Khan Aged About 21 Years, Caste Muslim, R/o Near Harda Milk Parlor Chipaner Road No. 06, Ward No. 17, Police Station Harda District Harda Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bastar, District Bastar Chhattisgarh

----Non-applicant

For Applicant – Shri Vikas A. Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30-07-2020 in connection with Crime No.121/2020 registered at P.S. - Bastar, District Bastar, Chhattisgarh for the offence under Section 20(B)(ii)(c) of the N.D.P.S. Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 30-07-2020. Similarly placed co-accused persons, namely, Rajendra Kumar Thakur and Arjun Chakarde have been granted bail by coordinate Bench in MCRC No.1967/2021 vide order dated 13-04-2021. Therefore, it is prayed that this applicant may also be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of ganja seized is commercial quantity and further, this applicant is resident of Madhya Pradesh, hence, if he is released on bail then he may not be available for trial. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. 30.500 kg. cannabis was seized from the possession of this applicant and others jointly. Hence, this case.
6. Considered on the submissions. As the co-accused persons who are similarly placed have been granted bail by the coordinate Bench of this Court, therefore, on the ground of parity this applicant has also become 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