

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3927 of 2021

1. Vaibhav Banura Konde, S/o Rajendra Banura Konde, Aged About 24 Years, R/o Gopalnagar Baounera, R/o Prabhat 13 Amrawati Police Station Rajkote, District-Amarawati, Maharashtra.
2. Pawan Solanki, S/o Mangal Solanki, Aged About 26 Years, R/o Vilasnagar Lohar Line Amarawati, Police Station-Gadgenagar, District-Amaravati, Maharashtra.
3. Vinod Solanki, S/o Babulal Solanki Aged About 45 Years R/o Vilasnagar Lohar Line Amarawati Police Station Gadgenagar District-Amarawati, Maharashtra.

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station Farasgaon, District-Kondagaon, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Syed Ishhadil Ali and Mr. Md. Farooq Azam, Advocate.
For Respondent	:	Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/07/2021

1. This is 5th bail application of these applicants for grant of regular bail. Their first application MCRC No.6638 of 2018 was dismissed as withdrawn vide order dated 13.11.2018. Their second application MCRC No.583 of 2019 was again dismissed as withdrawn on vide order dated 14.2.2019. Their third bail application MCRC No.2765/2019 was against dismissed as withdrawn on 8.5.2019. Subsequent to which the fourth bail application MCRC No.6388/2019 has been dismissed on merits vide order dated 23.10.2019.

2. This bail 5th bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.05/2018 registered at Police Station– Farasgaon, District–Kondagaon(C.G.) for the offence punishable under Sections 20(b) of N.D.P.S. Act.
3. It is submitted by the learned counsel for the applicants that applicants have been innocent and falsely implicated in this case. They are in jail since 18.1.2018 and trial has not made sufficient progress so far. One of co-accused namely-Md. Firoz has been granted bail by the co-ordinate Bench of this Court in MCRC No.8125/2020 vide order dated 12.04.2021. The applicants are similarly placed, therefore, it is prayed that under these circumstances and looking to the change in circumstances and the delay in trial, the bail application of these applicants be allowed.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that fourth bail application of these applicants has been dismissed on merits. Subsequent to that these applicants are not entitled for grant of bail. Further, the quantity of the contraband seized is commercial quantity, hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. MCRC No.6388/2019 has been dismissed on merits in which the co-accused Md. Firoz was one of the applicant, who has been granted bail by the co-ordinate Bench in 5th bail application MCRC No.8125/2020 vide order dated 12.4.2021. It is a case of joint seizure of the contraband from these applicants and co-accused Md. Firoz,

therefore, these applicants are also similarly situated.

7. Taking into consideration the grant of bail to co-accused and also the delay in trial, I find that there is some change in circumstances, therefore, I feel inclined to allow the bail application of these applicants.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha