

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3992 of 2021

- Kunji Lal Thakre S/o Fulchand Thakre, Aged About 35 Years, R/o Ashok Nagar, Near Bazar, Gudhiyari, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Maudhapara, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 4914 of 2021

- Suresh Jaiswal S/o Chaitram Aged About 20 Years, R/o Khamtarai Bazar Chouk Ke Pass, Thana- Khamtarai, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Police Station- Maudahapara, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Harish Khuntiya and Shri Vikas Pandey, Advocates.
For State/Non-applicant – Shri Shakti Singh Thakur, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

14-07-2021

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Both these applications under Section 439 of the Cr.P.C are first bail applications before this Court filed by these applicants for grant of regular bail. Both the applicants have been arrested on 31-12-2020 in connection with Crime No.151/2020 registered at Police Station – Maudahapara, District Raipur, Chhattisgarh for the offence under 21(C) of the N.D.P.S. Act.
3. It is submitted by learned counsel for the applicants in both the applications, that the applicants are innocent and they have been falsely implicated in this case. Two of the co-accused namely, Deepak Khandelwal and Harish Sahu have been granted bail by coordinate Bench vide order dated

08-04-2021 jointly passed in MCRC No.596/2021 and MCRC No.2437/2021.

These applicants are similarly placed. Therefore, on the ground of parity they are also entitled for grant of bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the quantity of the contraband seized is commercial quantity. Therefore, the applicants are not entitled for grant of bail.

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

6. 100 bottles of cough syrup having content of codeine phosphate was seized from applicant Kunji Lal and similarly 100 bottles of cough syrup having content of codeine phosphate was seized from the possession of applicant Suresh Kumar Jaiswal. Some seizure has also been made from other co-accused persons. Hence, this case.

7. Considered on the submissions. Although it is a case in which the quantity of psychotropic substance seized from the possession of these applicants and the co-accused persons is commercial quantity, but as it appears that co-accused persons have already been granted bail by the coordinate Bench after giving consideration on the same ground, therefore, on the ground of parity only, these applicants have become entitled for grant of bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them 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 their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge