

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4212 of 2021**

1. Mahendra Vishwakarma, S/o. Prabhudayal Vishwakarma, aged about 28 years, R/o. Village Devri Ward No. 14, Police Station Devri, Post Devri, Tehsil Devri District Raisen (M.P.).
2. Ajay Lodhi, S/o. Halke Lodhi, aged about 26 years, R/o. Village Devri, Ward No. 04, Police Station Devri, Post Devri, Tehsil Devri, District Raisen (M.P.).

---- Applicants**Versus**

State Of Chhattisgarh, through : District Magistrate, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	: Ms. Sharmila Singhai, Advocate with Mr. Kanwaljeet Singh Saini, Advocate
For Respondent/State	: Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/07/2021**

1. This is the first 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.354/2020, registered at Police Station – Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substance Act.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 06.10.2020. Similarly placed co-accused persons Kamlesh Raghuvanshi, Shiv Kumar Raghuvanshi and Irfan Khan have been granted bail by the Coordinate Bench of this Court in M.Cr.C. No. 74 of 2021 vide order dated 12.04.2021, hence, these applicants are also entitled for grant of bail on the ground of parity.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge and commercial quantity of Ganja has been seized from the possession of these applicants, therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident, the police personnel of Police Station – Basantpur, District – Rajnandgaon (C.G.) made total seizure of 125 Kg of Cannabis from the possession of these applicants and other co-accused persons, regarding which, the case has been registered.
6. Considered on the submissions. Taking into consideration that charge-sheet in this case has been filed and the case is now pending for trial and also that similarly placed co-accused persons have been granted bail by the Coordinate Bench of this Court, hence for this reason, on the ground of parity it would be proper to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram