

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6095 of 2021**

Mohan Yadav S/o Shri Palu Yadav Aged About 22 Years R/o Village - Nayapara, Police Station and Tahsil - Mahasamund, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Saraypali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Ankur Kashyap, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/09/2021**

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 applicant, who has been arrested in connection with Crime No.118/2021, registered at Police Station – Saraypali, District – Mahasamund (C.G.) for the offence punishable under Section 21 of the N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02.04.2021. Co-accused in this case namely Saddam Qureshi has been granted bail by this Court in M.Cr.C. No.3335 of 2021 by order dated 06.07.2021. The applicant is also similarly placed. Therefore, it is prayed that the applicant may be released on bail.
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 quantity of contraband seized is commercial quantity, therefore, he applicant is 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 search made by the police personnel of Police Station – Saraipali, District – Mahasamund, this applicant and one another co-accused Saddam Qureshi were found in possession of Raxquf cough syrup 300 bottles, Curex cough syrup 100 bottles, Onrex cough syrup 34 bottles and also 400 tablets of Alprazolam and 400 tablets of Pheniramine Maletate. The total quantity that has been seized from the possession of this applicant and from another co-accused is more than commercial quantity.
6. Considered on the submissions. For the reason that the co-accused in this case has been granted bail by this Court, therefore, on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge