

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7033 of 2021

- Hari Singh S/o Bindu Singh, Aged About 27 Years, R/o Village Gangpur, P.S. Gaurella, District Gaurella-Pendra-Marwahi, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police of Police Station Gaurella, District Gaurella-Pendra-Marwahi, Chhattisgarh.

----Non-applicant

For Applicant – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

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 12-01-2021 in connection with Crime No.15/2021 registered at P.S. - Gaurella, District Gaurella-Pendra-Marwahi, Chhattisgarh for the offence under Section 20 b of the NDPS Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 12-01-2021. Co-accused Smt. Pinki Rathore has been granted bail by coordinate Bench in MCRC No.2130 of 2021 vide order dated 04-08-2021, hence, this applicant is also entitled for grant of bail on the ground of parity. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant was in company of the main accused Smt. Pinki Rathore from whose possession the contraband was seized. Therefore, the application may be rejected.

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

5. According to the prosecution case, 25 kg. Ganja was seized from the

possession of Smt. Pinki Rathore. Seizure of a car bearing registration No. C.G. 04 HA 8960 has been made from the possession of this applicant. Hence, this case.

6. Considered on the submissions. Considering that main accused in this case has been granted bail and there is seizure of only one car from the possession of present applicant, I feel inclined to allow this application.

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