

(2018) 09 CHH CK 0213

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5959 Of 2018

Devendra Bhagat

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Sept. 12, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(B)

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Shobhit Koshta, RK Jaiswal

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 30/08/2016 vide M.Cr.C. No. 4983 of 2016 and

the second bail application was dismissed on 19.05.2017 vide M.Cr.C. No.3661 of 2017.

2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.04/2016 registered in Police Station

Nagarnar, District Bastar (C.G.) for offence punishable under section 20 (B) of NDPS Act.

3. As per the prosecution case, on information being received, a raid was conducted by the Police party and thereafter the applicant was intercepted

and he was found in possession of 18 kgs of cannabis and the same were recovered from him

4. Learned counsel for the applicant submits that the other co-accused has been enlarged on bail on the ground of delay in trial and the case of the present applicant is similar to that of the other co-accused namely Shravan Kumar, who has been granted bail on 30.07.2018 vide M.Cr.C. No.3225 of 2018, therefore, the applicant may also be enlarged on bail.
5. Learned State counsel is not able to dispute the fact that the co-accused has been enlarged on bail.
6. Considering the fact that the co-accused has been enlarged on bail on the ground of delay, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.