

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1023 of 2020Order reserved on: 10-6-2020Order delivered on: 22-6-2020

Neelam, S/o Murlidhar Mahar, Aged about 19 years, R/o Kasaguda, District Navrangpur, Odisha

---- Applicant

Versus

State of Chhattisgarh, Through Outpost Vaishalinagar, Police Station Supela, District Durg (C.G.)

---- Non-applicant

For Applicant: Mr. Avinash Chand Sahu, Advocate.
For Non-applicant/State: Mr. Sunil Otwani, Additional Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

C.A.V. Order

1. Proceedings of this matter have been taken-up for final hearing through video conferencing from the High Court premises at Bodri, Bilaspur.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.1069/2019, registered at Outpost Vaishali Nagar, Police Station Supela, Distt. Durg, for the offence punishable under Sections 20(b) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that total 15 Kgs. of Ganja was recovered from the present applicant and 15 Kgs. of Ganja was recovered from the possession of co-accused Birendra Kasyap.

4. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. The applicant has been arrested on 6-11-2019. He further submits that co-accused Birendra Kasyap has already been enlarged on bail by a coordinate Bench of this Court in M.Cr.C. No.7989/2019, on 28-1-2020. He also submits that the case of the present applicant is identical to that of the co-accused already released on bail, as 15 Kgs. of Ganja was recovered from co-accused Birendra Kasyap.
5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and considered their submissions.
7. Taking into consideration that 15 Kgs. of Ganja was recovered from the present applicant which is more than small quantity, but less than commercial quantity and consequently, Section 37(1)(b) of the NDPS Act is not attracted, since co-accused Birendra Kasyap has been enlarged on bail and the present applicant is in detention since 6-11-2019, I am of the view that on the principle of parity it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant 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.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed

by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma