

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1037 of 2020**

- Umesh Pathak S/o Late Ramashry Pathak Aged About 34 Years R/o P.S. Mufassil Buxar, District Buxar (Bihar)., District : Buxar , Bihar

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, District Bastar Chhattisgarh.

---- Respondent**MCRC No. 1563 of 2020**

- Ravi Shankar Pandey & Anr. S/o Ram Nath Pandey Aged About 27 Years R/o Bazar Samiti Road Mahatma Gandhi Nagar Buxar Police Station Town Thana Buxar (Bihar) 802103.
- Dharmendra Kumar Pandey S/o Late Hridya Naraayan Pandey Aged About 43 Years R/o Panchranw Police Station Nuwav District Kaimur Presently R/o Shakuntala Niwas Opposite M.V. College Charitravan Buxar District Buxar (Bihar) 802101.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Out Post Bastar Police Station Kotwali District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Satish Gupta, Advocate in MCRC No.1037/2020.
For Applicants	:	Mr. P.K. Tulsyan, Advocate in MCRC No. 1563/2020
For Respondent/State	:	Shri Sudeep Agrawal, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.5.2020**

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

2. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.389/2019 registered at Police Station - Outpost Bastar, PS Kotwali, District Bastar (CG)(wrongly mentioned as PS Bastar)(C.G.) for the offence punishable under Sections 20 (B) (ii) (C) of the N.D.P.S. Act.
3. It is the case of the prosecution that on the basis of secret information, the police has seized 80 kg ganja from the conscious possession of the applicants.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been complied with. He further submits that as the applicants are in custody since 23.7.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. Considering the facts and circumstances of the case, in particular, the quantity of ganja seized from the possession of the applicants and that the applicants are in jail since 23.7.2019, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be

released on bail on each of them furnishing a personal bond in sum of Rs.1,00,000/- with one local surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

8. It is made clear that if the applicants have 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 Moto Writ Petition (C) No. 1/2020), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge