

HIGH COURT OF CHHATTISGARH, BILASPUR

• **MCRC No. 1063 of 2020**

- Sonu Sharma & Anr. S/o Sohanlal Sharma Aged About 25 Years R/o Ward No. 2 Palwal, Thana And District Palwal (Haryana)., Haryana
- Shyam S/o Yogesh Yadav Aged About 35 Years R/o Village Sanjay Colony Faridabad Thana And District Faridabad (Haryana)., District : Faridabad, Haryana

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Vikash Pradhan, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

29.5.2020

1. 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.161/2019, registered at Police Station - Komakhan, District Mahasamund(C.G.) for the offence punishable under Sections 20 (B) of the N.D.P.S. Act.
2. It is the case of the prosecution that on 25.10.2019, on secret information, the police has seized 55.600 kg Ganja from the possession of the applicants. On the basis of above, offence has

been registered and the applicants were arrested.

3. 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 submits that as the applicants are in custody since 25.10.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicants; the applicants are in jail since 25.10.2019, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- 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

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