

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 957 of 2020

- Kejha Ram Yadav S/o Khelan Yadav Aged About 60 Years R/o Bodhapara, Police Station Lalpur, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - The Station House Officer, Police Station - Lalpur, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Shri Praveen Das, Advocate
For Respondent/State	:	Shri Mateen Siddique, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

28.5.2020

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.241/2019, registered at Police Station - Lalpur, District Mungeli(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 15.12.2019, on secret information, the police has recovered 20 kg Ganja (cannabis) worth Rs.80,000/- from the possession of the applicant. On the basis of above, offence has been registered and the applicant was arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been complied with and the above quantity of Ganja has been seized from the varandah of house of the applicant and not from his exclusive possession. He submits that as the applicant is in custody since 16.12.2019 and the trial is likely to take some time for its final disposal, he 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 applicant; the applicant is in jail since 16.12.2019 and charge sheet has been filed, I am of the opinion that present is a fit case, in which, the applicant 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 applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
8. 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

Moto 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 the bail bonds earlier, then he 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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