

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 967 of 2020**

- Prakash Tiwari @ Babua S/o Gaya Prasad Tiwari Aged About 26 Years Resident Of Chhunabhatti, Near Satbahaniya Mandir, Ganj, Police Station - Ganj, Raipur, Tahsil And District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Gudiyari, Raipur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant. : Mr. C.R. Sahu, Advocate.
 For Respondent/State : Mr. Animesh Tiwari, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.05.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 463/2019 registered at Police Station : Gudiyari, Civil and Revenue District Raipur (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. According to the prosecution story, on the basis of information received from an informant, Police Personnel searched and seized total 5.500 Kg. contraband article cannabis (Ganja) from the possession of applicant. Thereafter, the applicant has been arrested.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that applicant is in custody since 10.12.2019, since, the trial will take some time, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicant, and further considering that as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court 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 23.03.2020 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.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu