

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1149 of 2020**

- Krishna Manjhi S/o Vikal Manjhi, aged about 30 years, R/o village Bhanpur, Post - Sikachinda, P.S. Sadar, District Balangir (Odisha)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police of Police Station Darbha, Bastar, District Jagdalpur (C.G.)

---- Respondent

For Applicant	:	Shri Ashutosh Shukla, Adv.
For Respondent	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****01/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.37/2018, registered at Police Station - Darbha, Bastar, District Jagdalpur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station Darbha, acting on a tip-off, seized 110 kilogram contraband article cannabis from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 03.08.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that memorandum and seizure witnesses have been turned hostile. He also submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. It is next submitted that the applicant is in

custody since 03.08.2018, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, in particular the quality of evidence and further considering the fact that the applicant is in custody since 03.08.2018, charge sheet has been filed and the 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 his executing a personal bond for a sum of Rs.50,000/- 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, till the final disposal of the trial.
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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge