

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1272 of 2020**

- Vijay Kumar Dubey S/o Ram Udit Dubey Aged About 38 Years Resident Of House No. 243, Tahsil Amethi, Police Station Sangrampur, District Amethi, Uttar Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station (Police Chowki Bastar) Kotwali Bastar, District : Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Lavkush Kumar Sahu, Advocate.
For Respondent/State : Mr. Sunil Otmani, Addl. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/06/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 359/2019 registered at Police Station - (Police chowki Bastar) Kotwali, Bastar, Civil and Revenue District-Jagdalpur (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. The first bail application of the applicant was dismissed with liberty to revive the same after filing of challan by this Court on 06.11.2019 in MCRC No. 5615/2019.
3. The prosecution story, in brief is that, on the basis of information received by the informant police personnel searched and seized 70.00 Kg. Ganja (Cannabis) from the possession of the present applicant along with another co-accused person. Thereafter, offence has been registered against the present applicant and another co-accused person.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the another co-accused person has already been granted bail in MCRC No. 690/2020, therefore, the present applicant may also be granted benefit of bail. He next submits that the applicant is in jail since 12.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that as unauthorized cannabis was seized from the possession of the applicant, a prima facie case is made out. Therefore, the applicant may not be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the another co-accused has already been granted bail and the applicant is in jail since 12.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

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