

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1449 of 2020

- Himmat Singh S/o Late Bhola Singh Aged About 47 Years R/o Village Baraisa, Police Station Paschim Saria, District Kausambi (U.P.).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station G.R.P. Raipur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant :- Mr. C.R. Sahu, Advocate.

For State/Respondent:- Ms. Fouzia Mirza, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

28/09/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. The accused/applicant has moved this bail application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail during trial in connection with Crime No.30/2020, registered at Police

Station G.R.P. Raipur, District Raipur, C.G.
for the offence punishable under Section
20(B) of the Narcotic Drugs and Psychotropic
Substance Act, 1985.

3. Case of the prosecution, in brief, is that
12.000 Kg. of ganja was recovered from the
possession of the present applicant and
thereby committed the aforesaid offence.

4. Learned counsel for the applicant submits
that the applicant has not committed any
offence and he has falsely been implicated
in the crime in question. He further submits
that the applicant is suffering from brain
hemorrhage and he is in custody since
29.01.2020 and the trial is likely to take
time for its conclusion, as such, the
applicant may be released on regular bail.

5. On the other hand, learned State counsel
opposes the bail application.

6. I have heard learned counsel appearing for
the parties and perused the case diary.

7. Taking into consideration the facts and

circumstances of the case, nature and gravity of offence, pre-trial detention of the applicant, considering his medical condition, quantity of ganja which is more than small quantity and less than commercial quantity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

10. 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 Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit