

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1357 of 2020**

Mahendra Sahu S/o Late Shivnarayan Sahu, aged about 28 years, R/o Village Shivpur, Police Station Patna, Tahsil Baikunthpur, District Koriya (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station Patna, District – Koriya (CG)

---Non-Applcant

For Applicant	:	Mr.Anil Gulati, Advocate
For Non-applcant	:	Mr.Vikram Dixit, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

4/6/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.18/2020, registered at Police Station-Patna, Distt.Koria (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
2. Case of the prosecution, in brief, is that the applicant was found in possession of 1.250 kg of contraband article ganja unauthorizedly and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is in jail since 14.1.2020 and trial is likely to take time for its conclusion.
4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant and quantity of ganja i.e. more than small quantity but 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.

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

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance 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 23.3.2020 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

B/-