

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1393 of 2020

- Sharda Prasad S/o Sabhanarayan Aged About 18 Years R/o Village Kullukheda, Post Boran, Tahsil Atarra, Police Station Badousa Banda, District Banda U.P.

**----- Applicant
(In Jail)**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohannagar, District Durg Chhattisgarh.

----- Respondent

For Applicant :- Ms.Smita Jha, Advocate.

For State/Respondent :- Mr. Siddharth Dubey, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/06/2020

- 1.Proceedings of this matter have been taken up through video conferencing.
- 2.This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 37/2020,

registered at Police Station-Mohannagar, District Durg (CG), for the offence punishable under Sections 20 (B), 27 (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution, in brief, is that, 8.12 Kg of ganja was recovered from the possession of present applicant and similarly different quantity of ganja was recovered from other four accused persons.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in custody since 26.01.2020.

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

6. I have heard learned counsel appearing for the parties.

7. 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned 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 23/03/2020 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.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit