

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1584 of 2020

- Rajulal Balai, Son Of Kaluram Aged About 38 Years Resident Of Village Mayla Poliya, Thana Hanuman Nagar, Tahsil Jahajpur, District - Bhilwada (Rajasthan).
- Satyanarayan Mida Son Of Babulal Aged About 40 Years Resident Of Village Devpura And Present Resident Of Village Sitapur Thana Tahsil- Devali District- Tonk Rajasthan,

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Shri Vikas Pradhan, Advocate
For Respondent /State	: Shri Anand Verma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/06/2020

The applicants have filed this second application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.07/2019 registered at police station Pithora, district Mahasamund (CG) for the offence punishable under Section 20 (B) of the Narcotics Drugs and Psychotropic Substances Act.

As per prosecution case, on receiving secret information, the police party intercepted and recovered 260.600 kgs. of ganja from the possession of the applicants and co-accused which was being carried

by them in a vehicle.

Counsel for the applicants submits that the applicants have been falsely implicated in the case and the mandatory provisions of NDPS Act have not been complied with. He submits that the seizure and memorandum witnesses have not supported the prosecution case before the trial court. He further submits that the applicants are in jail since 12.01.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 1,00,000/- with one local surety each for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

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