

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1495 of 2020**

1. Bihari Lal Patel S/o Kanhaiyalal Patel, Aged about 60 years, R/o Budeli, Police Station Baramkela, District Raigarh, Chhattisgarh.
2. Sandeep Panda S/o Rohit Panda, Aged about 31 years, R/o Munglipali, Police Station Baramkela, District Raigarh, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Bhatgaon, District Baloda Bazar, Chhattisgarh.

--- Non-applicant/State

For Applicants :- Mr. C.R. Sahu, Advocate
 For State :- Mr. D.P. Singh, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/05/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 28/2020, registered at Police Station – Bhatgaon, District Baloda Bazar (CG), for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substance Act.

2. Case of the prosecution, in brief, is that applicant No. 1 Bihari Lal Patel was found in possession of 2.630 kgs of ganja and applicant No. 2 Sandeep Panda was found in possession 4.64 kgs of ganja and they, thereby, committed the aforesaid offence.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in the crime in question as the mandatory provisions as required under the NDPS Act while making seizure of ganja have not been complied with. He would further submit that the applicant is in jail since 11/02/2020.

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 the offence and considering the fact that the quantity of ganja seized from applicant No. 2 Sandeep Panda is more than four kg, I am not inclined to grant him regular bail. However, considering the quantity of ganja seized from applicant No. 1 Bihari Lal Patel

is more than small quantity but less than commercial quantity, it is a fit case for enlarging applicant No. 1 Bihari lal Patel on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. so far as applicant No. 2 is concerned is rejected, but so far as applicant No. 1 is concerned, it is allowed.

8. It is directed that the applicant No. 1 Biharilal Patel shall be released on bail on his furnishing a personal bond in the sum of **Rs.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 23/03/2020 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 within four weeks from today.

10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet