

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1978 of 2020**

Golu @ Prakash Ahirwar S/o Late Jawaharlal Ahirwar Aged about 22 years, R/o
Tahsilpara, Distt. Bijapur (CG)

---Applicant

Versus

State of Chhattisgarh Through P.S. - Bijapur, Distt. Bijapur (CG)

---Non-Appllcant

For Applicant	:	Mr.Vikash Shrivastava, Advocate
For Non-applicant	:	Mr.Animesh Tiwari, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/6/2020

1. Proceedings of this matter have been taken up through video conferencing from High Court Premises at Bodri, Bilaspur.
2. 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.113/2019, registered at Police Station-Bijapur, District-Bijapur (CG), for the offence punishable under Section 22(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as 'NDPS Act').
3. Case of the prosecution, in brief, is that narcotic drugs containing 7.20 grams of tramadol was recovered from possession of the present applicant without authority of law and thereby committed the aforesaid offence.
4. 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 quantity of tramadol is more

than small quantity but lessor than commercial quantity. The applicant has been arrested on 07.11.2019 and charge-sheet has already been filed, therefore, the applicant is entitled to be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Admittedly, as per entry No.238 ZH of the notification dated 26.4.2018, small quantity of tramadol has been specified as 5 grams and commercial quantity has been specified as 250 grams.
8. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant i.e. since 07.11.2019 and total quantity of taramadol i.e. 7.20 grams, which is more than small quantity but lessor 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.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. 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.
11. 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 **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/-