

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2163 of 2020**

- Firatram @ Kelha Yadav S/o Ruswa Yadav Aged About 65 Years
R/o Village Semariya, P. S. Birra, District Jangir Champa
Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P. S. Birra, District Jangir
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	:	Shri Ravindra Sharma, Advocate.
For Respondent	:	Shri Ayaz Naved, Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.5.2020**

1. Heard.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.37/2020, registered at Police Station – Birra, District Janjgir Champa(C.G.) for the offence punishable under Sections 20 (A) of the N.D.P.S. Act.
4. It is the case of the prosecution that on 15.3.2020, on secret information, a search was made in the house of the applicant at village Semariya, P.S. Birra and 03 plants of Cannabis (Ganja) were seized from the courtyard of the applicant. On the basis of above, offence has been registered and the applicant was arrested.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been complied with and the quantity seized from the applicant is less than commercial quantity. He submits that as the applicant is in custody since 16.3.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the applicant is in jail since 16.3.2020 and the quantity is less commercial quantity, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. 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 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.

11. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge