

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2266 of 2020

Kartikram Netam, S/o Late Shri Ramsingh Netam, aged about 58 years, R/o Kumhiguda, Chowki Devkar, Police Station Saja, District Bemetara (C.G.)
(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through SHO, Police Station Saja, District Bemetara (C.G.)
---- Non-applicant

For Applicant:	Mr. Vaibhav A. Goverdhan, Advocate.
For Non-applicant:	Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/06/2020

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 releasing him on regular bail during trial in connection with Crime No.92/2020, registered at Police Station Saja, Distt. Bemetara, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that the applicant planted seven cannabis plant in the courtyard of his house which contain 2.390 Kgs. of Ganja and thereby committed the offence.
4. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that the trial is likely to take some time and no useful purpose will be served by keeping the

applicant in jail. The applicant has been arrested on 15-4-2020. He also submits that it has been shown that the applicant had cultivated the said plants and it was not naturally spouted and therefore in view of the decision of the Supreme Court in the matter of **Alakh Ram v. State of U.P.**¹.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and considering the stand taken by the applicant, in the light of the decision of the Supreme Court in **Alakh Ram** (supra), I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant 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 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 23-3-2020 in the matter of **In 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

Soma

1 (2004) 1 SCC 766