

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2681 of 2020**

- Prabhat Sagar Misra S/o Dayashankar Misra Aged About 23 Years
Residence Of Chharbana, P.S. Industrial Circle District- Allahabad,
U.P.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Narayanpur, District-
Kondagaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Palash Tiwari, Adv.
For Respondent/State	: Mr. Sudeep Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.05.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 28/2020 registered at Police Station- Narayanpur, District - Kondagaon, (C.G.) for the offence punishable under Sections 20 (B) of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 08.02.2020, the police personnel searched the OLA cab which is driven by the applicant and seized 48.880 KG ganja from his possession. Thereafter, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 08.02.2020, there is no likelihood of his case being decided in near future, therefore, the

present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 08.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
8. 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.
9. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge