

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2750 of 2020

- Yogesh Thakur S/o Shri Shivram Thakur Aged About 28 Years
R/o Village Talesr, P.S.- Chura, District- Gariyaband,
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station- Chura, District- Gariyaband, Chhattisgarh., District :
Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

29.5.2020

1. The default pointed by the Registry is overruled.
2. Heard.
3. Admit.
4. 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.68/2020, registered at Police Station - Chuara, District Gariyaband(CG) for the offence punishable under Sections 20 (B) of the N.D.P.S. Act.
5. It is the case of the prosecution that on 5.5.2020, on secret information, the police has seized 2 kg Ganja (cannabis) from

the possession of the applicant and the co-accused. On the basis of above, offence has been registered and the applicant was arrested.

6. 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. He submits that the co-accused has been released on bail by this Court in MCRC No.2535/2020 and as the applicant is in custody since 5.5.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.
7. On the other hand, counsel for the State opposes the bail application.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the co-accused has been released on bail and the applicant is in jail since 5.5.2020, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
10. 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.
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 **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.

12. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

sunita