

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3040 of 2020**

- Rajnish Kumar Shukla S/o Mohan Lal Shukla Aged About 45 Years R/o Village Rakri, Police Station Mauganj, District Riwa, Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Gidhouri Tundra, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Singh Rathore, Adv.
For Respondent/State	:	Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/06/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 17/2020 registered at Police Station - Gidhouri Tundra, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. The first bail application of the applicant was dismissed as withdrawn by this Court on 11.02.2020 in MCRC No. 963/2020.
3. The prosecution story, in brief is that, on the basis of information received by the informant police personnel searched and seized 10 Kg. Ganja (Cannabis) from the possession of the present applicant and 7.5 kg Ganja (Cannabis) from another co-accused person. Thereafter, offence has been registered against the present applicant and another co-accused person.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the charge-sheet has been filed and the applicant is in jail since 22.01.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application submitting that as unauthorized cannabis was seized from the possession of the applicant, a prima facie case is made out. Therefore, the applicant may not be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 22.01.2020 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.
8. 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.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**