

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.2977 of 2020**

1. Tikam Dhruv, S/o-Shri Devnath, Aged about 32 years, R/o-Siwani, P.S. Mandir Hasaud, Raipur, At present-Durga Nagar, P.S. New Rajendra Nagar, District-Raipur (CG)
2. Sanju Nihal, S/o.-Shri Gunj Sagar Nihal, Aged about 20 years, R/o-Behind Ashoka Millenium, Durga Nagar, P.S.-New Rajendra Nagar, District Raipur (CG)

**---Applicants****Versus**

State of Chhattisgarh Through-S.H.O. Police Station-New Rajendra Nagar, Raipur, District Raipur (CG)

**---Non-Applicant**


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| For Applicants    | : | Mr.Pushkar Sinha, Advocate |
| For Non-applicant | : | Mr.Gagan Tiwari, Dy.G.A.   |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****16/6/2020**

1. Proceedings of this matter have been taken up through video conferencing from High Court Premises at Bodri, Bilaspur.
2. Learned counsel for the applicant submits that certified copy of the bail rejection order has been filed on 10<sup>th</sup> June, 2020.
3. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release them on regular bail during trial in connection with Crime No.136/2020, registered at Police Station-New Rajendra Nagar, Raipur, District-Raipur (CG), for the offence punishable under Section 22(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as 'NDPS Act')
4. Case of the prosecution, in brief, is that applicant No.1 was found in

possession of 800 gram of ganja and applicant No.2 was found in possession of 1.300 kg. of ganja (total 2.100 kg. of ganja) unauthorizedly and without authority of law and thereby committed the aforesaid offence.

5. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants have been arrested on 26.4.2020 and trial is likely to take time for its conclusion, therefore, they may be released on regular bail.
6. On the other hand, learned counsel for the State would oppose the bail application.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicants and quantity of ganja, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of ₹ 25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
11. It is made clear that if the applicants have 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), they 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 they have not furnished bail bonds earlier, then they will be required to furnish bail bonds.

**Sd/-**

**(Sanjay K. Agrawal)  
JUDGE**

B/-