

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3056 of 2020

- Sukhdev Das S/o Shri Gopal Das, aged about 21 years, R/o M 14, Tandapani, P.S. And District Malkangiri, Orissa.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon (CG)

---- Respondent

 For Applicant : Shri Shobhit Koshta, Advocate
 For Respondent/State : Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

19.6.2020

1. Heard.
2. Admit.
3. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.10/2018, registered at Police Station, Kondagaon, District Kondagaon(CG) for the offence punishable under Section 20(B) (ii) (b) of the Narcotic Drugs and Psychotropic Substances Act.
4. As per the case of prosecution, on secret information police has seized 658 kg and 500 gm Ganja from the possession of the applicant while he was transporting it in Truck No.KL 06G 8685.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He submits that mandatory provisions of the N.D.P.S. Act have not

been complied with and seizure witnesses have turned hostile and they have not supported the case of prosecution. He further submits that the applicant is in jail since 8.1.2018, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the seizure witnesses have turned hostile and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail 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.1,00,000/- with one local 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

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