

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3163 of 2020

- Denga @ Babu Sarkar S/o Shri Hiralal Sarkar
Aged About 39 Years R/o Village Banrasi,
P.S. Mana Camp, District- Raipur,
Chhattisgarh.

**----- Applicant
(In Jail)**

Versus

- State Of Chhattisgarh Through Station House
Officer, P.S. Mana Camp, District- Raipur,
Chhattisgarh.

----- Respondent

For Applicant :- Mr. Devershi Thakur, Advocate.
For State/Respondent :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

29/06/2020

1. Proceedings of this matter have been taken
up through video conferencing.
2. This is an 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. 46/2020,

registered at Police Station-Mana Camp, District Raipur (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution, in brief, is that, present applicant was found in possession of 4.00 Kg of ganja without authority of law and thereby committed the aforesaid offence.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in custody since 14.05.2020 and trial is likely to take time for its conclusion, therefore, he may be released on regular bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the facts & circumstances of the case, nature & gravity

of offence, pre-trial detention of the applicant and quantity of ganja i.e. more than small quantity but less than commercial quantity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. 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.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit