

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3234 of 2020**

Harpreet Singh @ Babbu, S/o Basant Singh, aged about 32 years, R/o – C.H. 164,
Dhandha Bhawan, Veer Sawarkar Nagar, Heerapur, Police Station – Kabeer Nagar,
Raipur, District – Raipur (C.G.) (In jail)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station – Kabeer
Nagar, District – Raipur (C.G.)

----Non-applicant

For Applicant	: Mr. Shivendu Pandya, Advocate
For Non-applicant/State	: Mr. Gagan Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/06/2020**

- (1) Proceedings of this matter have been taken taken up through video conferencing.
- (2) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 72/2020 (As per charge sheet) registered at police Station Kabeer Nagar, District Raipur (C.G.) for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- (3) Case of the prosecution, in brief, is that the present applicant was found in possession of 310 grams opium unauthorizedly and without authority of law and thereby committed the aforesaid offence.

(4) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He submits that the applicant has been arrested on 21.03.2020 and as per serial No. 92 of the notification dated 16th July, 1996 issued by the Central Government with regard to small quantity and commercial quantity, small quantity of the opium is prescribed as 25 grams *and* commercial quantity of the opium is prescribed as 2.5 kg *whereas* the applicant was found in possession of only 310 grams of opium, which is more than the small quantity but less than the commercial quantity and, therefore, the applicant is entitled to be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, pre-trial detention of the applicant and quantity of opium i.e. 310 grams, which is more than the small quantity but less than the commercial quantity in view of the notification dated 16th July, 1996 issued by the Central Government (serial No. 92) with regard to small quantity and commercial quantity; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one 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 by the said Court till disposal of the trial.

(8) 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.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

