

HIGH COURT OF CHHATTISGARH, BILASPURM.Cr.C.No.3612 of 2020

Bhupendra Kumar Son of Hari Ram (wrongly written as Hazari Ram Nayak),
aged about 50 years, R/o. Village Kokobhatha, P.S. and Tahsil Pithora, District
Mahasamund (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Pithora,
District Mahasamund (CG)

---Non-Applicant

For Applicant	:	Ms Pushplata Khalkho, Advocate
For Non-applicant	:	Mr.Animesh Tiwari, Dy.A.G.

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. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.133/2020, registered at Police Station-Pithora, District-Mahasamund (CG), for the offence punishable under Section 20(A) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
3. Case of the prosecution, in brief, is that 2 cannabis plants (ganja) amounting to 2.050 kg. were recovered from possession of the present applicant and thereby committed the aforesaid offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime

in question. She would further submit that it was not planted by the present applicant, it was sprouted by natural growth. The applicant has been arrested on 1.6.2020 and the 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 would oppose the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant, quantity of ganja and in view of decision of the Supreme Court in the matter of **Alakh Ram v. State of U.P.**¹, 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.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. 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 Motu 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

¹ (2004) 1 SCC 766

furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-