

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.3700 of 2020

1. Shyamlal Banchhor S/o Mayaram, aged about 59 years, resident of village Salhetarai, Thana-Basna, District-Mahasamund (CG)
2. Dilip Banchhor S/o Kartik Banchhor, aged about 51 years, resident of Village Remada, Thana-Basna, and District-Mahasamund (CG)

---Applicants

Versus

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

---Non-Applicant

For Applicants	:	Mr.Vikash Pradhan, Advocate
For Non-applicant	:	Mr.Siddharth Dubey, Govt.Advocate

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/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.202/2020, registered at Police Station-Basna, District-Mahasamund (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
3. Case of the prosecution, in brief, is that the present applicants were found in possession of 3 kg. of contraband article ganja unauthorizedly and without authority of law and thereby committed the aforesaid offence.
4. 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 2.5.2020 and trial is likely to take time for its conclusion,

therefore, they 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 applicants 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 applicants 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 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.
10. 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