

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3921 of 2020

1. Rajnarayan Pradhan, S/o Shri Surendra Pradhan, aged 23 years,

2. Surendra Pradhan, S/o Ramchandra Pradhan, aged 55 years,

Both R/o Bansuladipa, Thana Basna, Distt. Mahasamund (C.G.)

(In Jail)

---- Applicants

Versus

State of Chhattisgarh, Through P.S. Basna, Distt. Mahsamund (C.G.)

---- Non-applicant

For Applicants:	Mr. Sanjay Agrawal, Advocate.
For Non-applicant:	Ms. Veena Nair, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board29/06/2020

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 releasing them on regular bail during trial in connection with Crime No.262/2020, registered at Police Station Basna, Distt. Mahasamund, 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 the applicants were found in possession of 5 Kgs. of Ganja and thereby committed the offence.
4. Learned counsel for the applicants submits that this is the first bail application filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence and they have been falsely implicated in the case. He further submits that the trial is likely to take some time and no useful purpose will be served by keeping the

applicants in jail. The applicants have been arrested on 11-6-2020. He further submits that the quantity of Ganja seized from the applicants is more than small quantity, but less than commercial quantity.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, material available on record and that the quantity of the contraband article seized from the applicants is more than small quantity, but less than commercial quantity, that too it has been recovered from the possession of two accused / applicants and considering the pretrial detention of the applicants, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.
9. 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