

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3963 of 2020

Mohammad Anis, S/o Noor Mohammad, aged about 42 years, R/o Bazar Para, Bemetara, Thana/Distt. Bemetara (C.G.)

(In Jail)  
---- Applicant

Versus

The State of Chhattisgarh, Through Police Station Bemetara, Distt. Bemetara (C.G.)

---- Non-applicant

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| For Applicant:     | Mr. Samir Singh, Advocate.                |
| For Non-applicant: | Mr. Vikram Sharma, Deputy Govt. Advocate. |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/07/2020

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 releasing him on regular bail during trial in connection with Crime No.98/2020, registered at Police Station Bemetara, Distt. Bemetara, 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 2.05 Kgs. of Ganja has been recovered from the possession of the applicant.
4. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence and he has been falsely implicated in the case. The applicant has been arrested on 15-2-2020. He further submits that the quantity of the contraband article Ganja recovered from the possession of the applicant is more than

small quantity, but lesser 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 nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant, the material available on record and that the quantity of Ganja seized from the applicant is more than small quantity but less than commercial quantity, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his 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 23-3-2020 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 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