

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4107 of 2020

- Anil Suresh Pariyal, S/o.Suresh Bajrang Pariyal, Aged about 37 years, R/o. Mahadevpura, PS City Kotwali, Vardha, District Vardha (Maharashtra)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Borai District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:	Shri R.S.Patel, Advocate.
For Respondent	:	Shri Samir Sharma, Dy.GA.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

10/08/2020

The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 02/2019 registered at Police Station Borai, District Dhamtari (C.G.) for the offence punishable under Section 20(B) (ii)(C) of the NDPS Act, 1985.

The first bail application was withdrawn by the applicant with liberty to revive the same after evidence of seizure witnesses on 21.01.2020.

It is the case of the prosecution that on 25.02.2019, after receiving secret information, the police seized 105 kgs of ganja in three plastic bags (35 kgs. Each) from the possession of applicant and the co-accused. On the basis of above, offence has been registered and the applicant was arrested.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been complied with. He submits that the seizure witness has not supported the prosecution case. He submits that as the applicant is in custody since 25.02.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

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

Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant, charge sheet has been filed and the detention period of the applicant, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

Accordingly, the application filed under Section 439 Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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), she 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 she has not furnished the bail bonds earlier, then she will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

suguna