

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4100 of 2020**

1. Montu @ Kaushlendra S/o- Chandramohan Aged About 23 Years R/o- Badkapara, Surajpur, P.S. And Tehsil- Surajpur, District- Surajpur, Chhattisgarh
2. Devendra Sahu S/o Kamal Sahu Aged About 24 Years R/o- Badkapara, Surajpur, P.S. And Tehsil- Surajpur, District- Surajpur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through- S.H.O., Police Station- Surajpur, District- Surajpur, Chhattisgarh

---Non-applicant

For Applicants : Shri Pushkar Sinha, Advocate

For Non-applicant : Shri Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20.7.2020.**

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 of them on regular bail during trial in connection with Crime No. 241 of 2020, registered at Police Station Surajpur, Distt. Surajpur (CG) 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, 2.160 Kg ganja was recovered from the possession of the present applicants and thereby committed the aforesaid offence.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in crime in question. They are in jail since 17.6.2020 and trial is likely to take time for its conclusion.

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

6. I have heard counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicants and considering that quantity of narcotic drugs recovered from the applicants is more than small quantity but less than the 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 each of them 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 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