

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2805 of 2020**

1. Sunil Kumar Jatav S/o Kishan Kumar Jatav, Aged about 30 years, R/o House No. 4, Multi Story, Khanna Market, Lodhi Road Colony, Police Station Tilak Marg, Civil and Revenue District Delhi.
2. Pooja @ Mithlesh Singh Jatav, W/o Late Vijay @ Rajesh, Aged about 36 years, R/o House No. 44/12/2, Lane No. 11B, Swatantra Nagar, Police Station Narela, Civil and Revenue District Delhi.

---Applicants**Versus**

The State of Chhattisgarh, Through the Police Station Aamanaka, Civil and Revenue District Raipur, Chhattisgarh.

--- Non-applicant/State**MCRC No. 4786 of 2020**

1. Kapil Singh S/o Devendra Singh Jatav, Aged 23 years, R/o House No. 309, Lane No. 4-B, Swatantra Nagar, Narela, Police Station Narela, District Delhi.

--- Applicant**Versus**

State of Chhattisgarh, through Police Station Aamanaka, Civil and Revenue District Raipur, Chhattisgarh.

For Applicants	:- Mr. Punit Ruparel, Advocate
For State	:- Mr. Jitendra Pali, Dy. A.G.

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

17/08/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. This is a bunch of two applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 42/2020, registered at Police Station - Aamanaka, District Raipur (C.G.), for the offence punishable under Section 20(B) of the NDPS Act.
3. Case of the prosecution, in brief, is that, 17.4 kgs of ganja was seized from the possession of Kapil Singh, 11 kgs of ganja from Vijay Kumar Jatav and 3.7 kgs of ganja from Pooja and they, thereby, committed the aforesaid offence.
4. Learned counsel for the applicant submits that the present applicants have not committed any offence and they have falsely been implicated in the crime in question. They are in custody since 17/02/2020.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the nature and gravity of the offence and considering that 19 kgs of ganja was seized from Kapil Singh and 11 kgs of ganja was seized from Vijay Kumar Jatav, which is more than small quantity but less than commercial quantity, I do not consider it a fit case to release Kapil Singh and Vijay Kumar Jatav on bail. However, only 3.7 kgs of ganja was seized from the possession of Pooja and considering that she is young woman of 36 years of age and looking to the fact that trial is likely to take more time due to the current situation of COVID-19 pandemic, I consider it a fit case to release Pooja on bail.
8. Accordingly, the bail application on behalf of Pooja is allowed whereas the bail application on behalf of Kapil Singh and Sunil Kumar Jatav are rejected.
9. It is directed that the applicant (Pooja) shall be released on bail on her furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
10. It is made clear that if the applicant (Pooja) 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 23/03/2020 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.

11. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet