

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4766 of 2020**

Shubham Vaishnav S/o Lalit Vaishnav, Aged about 21 years, R/o Gurunanak Ward Bhatapara, Police Station Bhatapara (city), District (Revenue and Civil) Balodabazar Bhatapara, Chhattisgarh.

---Applicant

Versus

State of Chhattisgarh, Through Police Station Bhatapara (city) District (Revenue and Civil) Balodabazar Bhatapara, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Sumit Jhawar, Advocate
For State :- Mr. Animesh Tiwari, Dy. A.G.

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

11/08/2020

1. Proceedings of this matter have been taken up for hearing through video conferencing.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 282/2020, registered at Police Station Bhatapara (city) (CG) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution, in brief, is that 5.150 kgs of ganja was seized from the possession of the present applicant and he thereby, committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would further submit that the applicant is in jail since 25/06/2020.

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

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

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and pretrial detention and looking to the fact that the quantity of ganja is more than small quantity but less than commercial quantity, this Court is of the opinion that present is a fit case, in which, the applicant 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 applicant shall be released on bail on their 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 their appearance as and when directed.

10. 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 23/03/2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto 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 the bail bonds earlier, then he will be required to furnish bail bonds.

11. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet