

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4832 of 2020**

Sandeep Panda S/o Rohit Panda, Aged about 31 years, R/o Village Mungalipali, Police Station Baramkela, District (Revenue and Civil) Raigarh, Chhattisgarh.

--- Applicant

Versus

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

--- Non-applicant/State

For Applicant :- Mr. Sumit Jhawar, Advocate
For State :- Mr. Ayaz Naved, G.A.

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 second 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. 28/2020, registered at Police Station Bhatgaon, District (Revenue and Civil) – Balodabazar-Bhatapara (CG) for the offence

punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985. The first bail application filed by the applicant herein was rejected on 13/05/2020.

3. Case of the prosecution, in brief, is that 2.830 kgs of ganja was seized from the present applicant and another co-accused namely Bihari Lal and they, thereby, committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the co-accused namely Bihari Lal has already been released on bail and on account of the current situation of COVID-19 pandemic, trial is not likely to take place in the near future. He would also submit that the applicant herein has been in jail since 11/02/2020 i.e. for six months, therefore, he is entitled to be released on bail.

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. Though the first bail application filed by the applicant was rejected by this Court on

13/05/2020, but taking into consideration the delay in trial which is likely to take place due to the current situation of COVID-19 pandemic and further taking into consideration that the quantity of ganja seized from the possession of the present applicant is more than small quantity but less than commercial quantity, I consider it a fit case to release the present applicant on 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