

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4995 of 2020**

Bodhram Tiwari S/o Udayram Tiwari, aged about 45 years, R/o Village Nareshpur,
Police Station and Tahsil Surajpur, District Surajpur (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station
Surajpur, District Surajpur (CG)

---Non-Applicant

For Applicant	:	Mr.Anil Gulati, Advocate
For Non-applicant	:	Mr.Ayaz Naved, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/08/2020**

1. Proceedings of this matter have been taken up through video conferencing.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.256/2020, registered at Police Station-Surajpur, District-Surajpur (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter called as 'NDPS Act')
3. Case of the prosecution, in brief, is that 5.120 kg. of contraband article ganja was recovered from possession of the present applicant and thereby committed the offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that in 3 criminal cases he has been acquitted. He has filed the affidavit along with copies of the judgment of acquittal. He has been arrested on 29.6.2020, as such, he may be released on regular 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. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant, documents filed with regard to acquittal in 3 criminal cases and quantity of ganja, 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 his 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 his 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 23.3.2020 in the matter of In Re : Contagion of COVID 19 Virus in Prisons (Suo Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-