

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5264 of 2020**

1. Santosh Patel, S/o Ram Bharos Patel, aged about 28 years,
2. Mayaram Patel, S/o Bhupdev Patel, aged about 42 years,

Both are R/o Village – Jhingitar, Police Station – Saranagarh, District – Raigarh (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Basna, District Mahasamund (Saraypali is wrongly mentioned in order sheet), District Mahasamund (C.G.)

----Non-applicant

For Applicants	: Mr. C.K. Kesharwani, Advocate
For Non-applicant/State	: Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate.

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

28/08/2020

- (1) Proceedings of this matter have been taken taken up through video conferencing.
- (2) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 315/2020 registered at police Station Basna, District – Mahasamund (C.G.) (Saraypali is wrongly mentioned in order sheet) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- (3) Case of the prosecution, in brief, is that the present applicants were found in possession of 3 kilograms of contraband article *ganja* unauthorizedly and without authority of law and thereby committed the aforesaid offence.

(4) Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the crime in question. He further submits that the applicants have been arrested on 09.07.2020 and the trial is likely to take time for its final disposal and, therefore, the applicants may be released on bail.

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

(6) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, pre-trial detention of the applicants and quantity of *ganja* i.e. 3 kilograms, which is more than the small quantity but less than the commercial quantity; this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(8) 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 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto 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 the bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

