

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5054 of 2020

Mustafa Khan, S/o Harun Rasid Khan, aged 32 years, R/o Kududand, Shiv Chowk, Bilaspur, P.S. Civil Line, Distt. Bilaspur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through P.S. Basna, Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicant:	Mr. Sanjay Agrawal, Advocate.
For Non-applicant:	Mr. Sunil Otwani, Additional Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/09/2020

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 releasing him on regular bail during trial in connection with Crime No.344/2020, registered at Police Station Basna, Distt. Mahasamund, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that 5.100 Kgs. of Ganja was recovered from the possession of the applicant which he was carrying in his motorcycle without authority of law.
4. Learned counsel for the applicant submits that this is the first bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence, he has falsely been implicated in the case, the applicant has been arrested on 22-7-2020 and therefore, he may be released on bail. He further submits that the

quantity of Ganja seized from the applicant is more than small quantity, but less than commercial quantity.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and the quantity of Ganja seized from the applicant is more than small quantity, but lesser than commercial quantity, I am 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 CrPC is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail.
9. On account of personal difficulty faced by the Superintendent of Police, filing of affidavit is dispensed with.
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