

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5076 of 2020**

1. Vikash Kumar Sahu, S/o Khilawan Sahu, Aged about 21 years, R/o Village New Chandniyapara Ward No. 8, P.S. Janjgir Distt. Janjgir-Champa, Chhattisgarh.
2. Kamlesh Yadav, S/o Dilharan Yadav, Aged about 20 years, Village New Chandniyapara Ward No. 8, P.S. Janjgir, Distt. Janjgir Champa, Chhattisgarh.

---Applicants**Versus**

State of Chhattisgarh, Through Police Station
Baramkela, Distt. Raigarh, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Sanjay Agrawal, Advocate
For State :- Dr. Veena Nair, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2020**

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 applicants who have been arrested in connection with Crime No. 127/2020, registered at Police Station Baramkela, Distt. Raigarh (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 3 kgs of ganja was seized from the possession of the present applicants and they thereby, committed the aforesaid offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in the crime in question. He would further submit that the applicants are in jail since 24/07/2020.

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 applicants 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 applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each 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 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.

11. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge