

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3201 of 2020

Ranjit Singh @ Rana, age 45 years, S/o Hari Singh, R/o Mahaveer Nagar,
P.S. Telibandha, Distt. Raipur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Kabir Nagar, Distt.
Raipur (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.5546 of 2020

Harbhajan Singh, age 32 years, S/o Harban Singh (wrongly mention in order
sheet), R/o LIG 859, Hirapur, Tatibandh, P.S. Kabir Nagar, Distt. Raipur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Kabir Nagar, Distt.
Raipur (C.G.)

---- Non-applicant

For Applicants:	Mr. Punit Ruparel and Mr. J.K. Gupta, Advocates.
For Non-applicant:	Mr. Sunil Otwani, Additional Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/09/2020

1. Proceedings of these matters have been taken-up through video conferencing.
2. Since both the bail applications are arising out of the same crime number and the same police station, they are being disposed of by this common order.
3. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.265/2019, registered at Police Station Kabir Nagar, Distt. Raipur, for the offence

punishable under Sections 18, 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Case of the prosecution, in brief, is that 9 gms. of brown sugar has been recovered from applicant Ranjit Singh @ Rana and 18 gms. of brown sugar has been recovered from applicant Harbhajan Singh.
5. Learned counsel for the applicants submit that these are the first bail applications filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence and they have been falsely implicated in the case. They further submit that the trial is likely to take time and no useful purpose will be served by keeping the applicants in jail. Applicant Harbhajan Singh has been arrested on 1-10-2019 and applicant Ranjit Singh @ Rana has been arrested on 6-11-2019. They also submit that small quantity is 5 gms. and commercial quantity is 250 gms. as per the notification dated 16th July, 1996, whereas 9 gms. and 18 gms. have been seized from the present applicants.
6. On the other hand, learned State counsel opposes the application.
7. I have heard learned counsel for the parties.
8. Taking into consideration the facts and circumstances of the case, material available on record, quantity of the contraband article seized from the applicants though more than small quantity, but lesser than commercial quantity and considering the pretrial detention of the applicants i.e. approximately 11 months, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the applications are allowed.
9. It is, therefore, directed that the applicants 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 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 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

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