

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5240 of 2020**

1. Shanti Kumar Gabel S/o Late Tameshwar Singh Gabel, aged about 28 years, R/o Village Gada Bordi, Post Puraina, Tahsil Kharsiya, District Raigarh (CG)
2. Amit Kumar Gabel S/o Gend Prasad Gabel, aged about 32 years, R/o Village & Post Puraina, Tahsil Kharsiya, District Raigarh (CG)

---Applicants**Versus**

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

---Non-applicant

For Applicants	:	Mr.Anil Gulati, Advocate
For Non-applicant	:	Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

4/9/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.206 of 2020, registered at Police Station-Urga, District-Korba (CG), for the offence punishable under Section 20(B) of the Narcotic Drugs & Psychotropic Substances Act.
3. Case of the prosecution, in brief, is that the applicants were found in possession of 6.900 kg. of contraband article ganja unauthorizedly and thereby committed the offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants have been arrested on 3.7.2020 and the trial is likely to take time for its conclusion, therefore, they 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 applicants and quantity of ganja i.e. 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 ₹ 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 23.3.2020 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

B/-