

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5172 of 2020

Rajesh Sahu, S/o Narad Sahu, aged about 32 years, R/o Changorabhatha, Raipur, P.S. D.D. Nagar, Distt. Raipur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. C.R. Sahu, Advocate.
For Non-applicant:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/09/2020

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.195/2020, registered at Police Station City Kotwali, Raipur, for the offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that 432 capsules (21.6 gms.) of Tramadol was recovered from the possession of the applicant.
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 and he has been falsely implicated in the case. He further submits that the trial is likely to take time and no useful purpose will be served by keeping the applicant in jail. The applicant has been arrested on 17-7-2020.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties.
7. Small quantity of tramadol, as mentioned at serial No.238ZH of the notification dated 16th July, 1996 issued by the Central Government, is 5 gms. and commercial quantity is 250 gms. as stated at the Bar, whereas the quantity of the narcotic drug seized from the applicant is 21.6 gms..
8. Taking into consideration the facts and circumstances of the case, material available on record, quantity of the contraband article seized from the applicant though more than small quantity, but lesser than commercial quantity and considering the pretrial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
9. It is, therefore, directed that the applicant be released on bail on his 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.
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