

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6162 of 2020**

Subhash Sarkar, S/o Late Kalipad Sarkar (Wrongly mentioned the name of the father of the applicant as Kalimad Sarkar in the impugned / rejection order), aged about 43 years, R/o- Near Kali Mandir, Kali Nagar, Pandri, Police Station – Civil Line, Raipur, District – Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station – Civil Line, District – Raipur (C.G.)

----Non-applicant

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Non-applicant/State	: Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/09/2020

- (1) Proceedings of this matter have been taken taken up through video conferencing.
- (2) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 285/2020 registered at police Station Civil Line, District – Raipur (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
- (3) Case of the prosecution, in brief, is that the present applicant was found in possession of 11.800 kilograms of contraband article *ganja* unauthorizedly and without authority of law and thereby committed the aforesaid offence.

(4) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He further submits that the applicant has been arrested on 26.07.2020 and the trial is likely to take time for its final disposal and, therefore, the applicant may be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, pre-trial detention of the applicant and quantity of *ganja* i.e. 11.800 kilograms, which is more than the small quantity but less than the commercial quantity; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court till disposal of the trial.

(8) 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 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto 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 the bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

