

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.6380 of 2020**

- Rakesh Vaishnav S/o Ashok Das Vaishnav, Aged About 43 Years R/o Block- B-23/4 Balmiki Awas, Police Station Kabir Nagar, District Raipur Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Kabir Nagar, District Raipur Chhattisgarh.

---Non-applicant

---

For Applicant : Shri Pushpendra Kumar Patel, Advocate

For Non-applicant : Shri Jitendra Pali, Dy. Advocate General

---

**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****07.10.2020.**

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 release of him on regular bail during trial in connection with Crime No. 165 of 2020, registered at Police Station Kabir Nagar, Civil & Revenue Distt. Raipur (CG) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Case of the prosecution, in brief, is that, 1.710 Kg ganja was

recovered from the possession of the present applicant and thereby committed the aforesaid offence.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in jail since 31.8.2020 and trial is likely to take time for its conclusion.

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

6. I have heard counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicant and considering that quantity of narcotic drugs recovered from the applicant which is slightly more than small quantity but less than the commercial quantity, this Court is of the opinion that present is a fit case, in which, the applicant 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 applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial 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