

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No.7140 of 2020**

Ganesh Singh, S/o Bhulan Singh, aged about 41 years, R/o Gram Thathpathar, P.S. Chandni, Tehsil Odangi, District Surajpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Chandni (Biharpur), District Surajpur (C.G.)

--- Non-applicant/State

For Applicant :- Mr. Arvind Singh, Advocate
For State :- Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/11/2020**

1. Proceedings of this matter have been 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.13/2020 registered at police Station Chandni (Biharpur), District Surajpur (C.G.) for the offence punishable under Section 20(a) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. Case of the prosecution, in brief, is that 10 plants of ganja were recovered from the possession of the applicant 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 cannabis plants were not planted by him, and 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 02.04.2020 and the trial is likely to take time for its final disposal and in view of the decision rendered by the Hon'ble Supreme Court in the matter of **Alakh Ram vs State of U.P.**, reported in (2004) 1 SCC 766, 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, custody of the applicant since 02.04.2020 and the plea raised that the cannabis plants were not planted by the applicant and in view of the decision rendered by the Hon'ble Supreme Court in **Alakh Ram** (supra), 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.

9. Certified copy by tomorrow.

Sd/-
(Sanjay K. Agrawal)
Judge