

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6566 of 2020**

Nanka Singh S/o Shivnarayan, Aged about 35 years,
Occupation Farmer, R/o Village Hiradabri, Post and
Police Chowki Latori, P.S. Jainagar, District
Surajpur, Chhattisgarh.

---Applicant

Versus

State of Chhattisgarh, Through Station House
Officer, Police Station Jainagar, District
Surajpur, Chhattisgarh.

--- Non-applicant/State

For Applicant	:- Mr. Gyan Prakash Shukla, Advocate
For State	:- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/10/2020**

1. Proceedings of this matter have been taken up for hearing through video conferencing.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 200/2020, registered at Police Station Jainagar, Distt. Surajpur (CG) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution, in brief, is that 7 plants of ganja were recovered from the sugarcane field of the applicant.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would also submit that the plants of ganja were not planted by the applicant and further submits that the applicant is in jail since 07/09/2020. He relies upon the decision rendered by the Supreme Court in the matter of Alakh Ram v. State of U.P.¹.
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 the offence, role of the present applicant and pretrial detention and further considering the decision of the Supreme Court in Alakh Ram (supra) and the the argument that the plants sprouted naturally and they were not planted by the applicant and he is in jail since 07/09/2020, this Court is of the opinion that

¹ (2004) 1 SCC 766

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 **Rs. 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 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.

11. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge