

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No.7074 of 2020**

1. Baidram Verma, S/o Milau Ram, aged about 40 years,
Occupation Farmer

2. Ganga Ram Verma, S/o Milau Ram, aged about 38
years, Occupation Farmer

Both R/o Village Putpura, Police Chowki Maro, P.S.
Nandghat, District Bemetara (C.G.)

---Applicants

Versus

State of Chhattisgarh, Through Police Station
Nandghat, District Bemetara (C.G.)

--- Non-applicant/State

For Applicants :- Mr. Manish Nigam, Advocate
For State :- Dr. Veena Nair, 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/applicants have preferred this bail
application under Section 439 of the Code of
Criminal Procedure for releasing them on regular
bail during trial in connection with Crime
No.281/2020 registered at police Station Nandghat,
District Bemetara (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 5 pieces of cannabis plants, weighing 21 kgs and 85 gms, were recovered from the possession of the applicants unauthorizedly and without authority of law and thereby committed the aforesaid offence.
4. Counsel for the applicants submits that the cannabis plants were recovered from the government land and not from possession of the applicants and the applicants have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the crime in question. He further submits that the applicants have been arrested on 08.09.2020 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 applicants 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 applicants since 08.09.2020 and the plea raised that it was the government land

wherefrom the cannabis plants were recovered and it was not recovered from the possession of the applicants 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 applicants on bail. Accordingly, the bail application is allowed.

7. Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the trial Court. They are 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 applicants have 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), they 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 they have not furnished the bail

bonds earlier, then they will be required to
furnish bail bonds.

9. Certified copy by tomorrow.

Sd/-

(Sanjay K. Agrawal)
Judge

Nirala