

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6888 of 2020**

1. Ajay Singh Baghel, S/o Jairam Singh Baghel, aged about 27 years, R/o Old Bus Stand Ward No. 10, Janakpur, P.S. Janakpur, District Koriya (C.G.)
2. Ankit Sharma, S/o Hemant Sharma, aged 20 years, R/o Village Janakpur, District Koriya (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, P.S. Janakpur, District Koriya (C.G.)

----Non-applicant

For Applicants	: Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/ State	: Mr. Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/11/2020**

- (1) Proceedings of this matter have been taken-up for hearing through video conferencing.
- (2) At the outset, learned counsel for the applicants submits that he may be permitted to withdraw this bail application in relation to applicant No. 1 – Ajay Singh Baghel with liberty to repeat the same after examination of material prosecution witnesses.
- (3) Liberty is granted, as prayed for.
- (4) Accordingly, the bail application in relation to applicant No. 1 – Ajay Singh Baghel is dismissed as withdrawn with the liberty as aforesaid.

- (5) Heard bail application with regard to applicant No. 1 – Ajay Singh Baghel.
- (6) The accused/applicant No. 1 – Ajay Singh Baghel has moved 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.113/2020 registered at Police Station – Janakpur, District Koriya (C.G.) for the offences punishable under Section 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').
- (7) Case of the prosecution, in brief, is that 500 ML codeine cough syrup was recovered from the possession of the present applicant – Ajay Singh Baghel and thereby committed the aforesaid offence.
- (8) Learned counsel for the applicant would submit that the present applicant has not committed any offence and he has falsely been implicated in crime in question. The applicant has been arrested on 15.08.2020 and the trial is likely to take time for its conclusion, as such, he may be released on regular bail.
- (9) On the other hand, counsel for the State opposes the bail application.
- (10) Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, pre-trial detention of the applicant -Ankit Sharma and quantity of codeine cough syrup i.e. 500 ML, 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.
- (11) Accused/applicant – Ajay Singh Baghel is directed to be released on bail on his 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. 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/-

