

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8544 of 2020**

Chandan Khyani, S/o Late Ashok Khyani, aged about 36 years, R/o Village – Deviganj Rode Word No. 22, P.S. - Ambikapur, District – Surguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : SHO Police Station – Chando, District – Balrampur – Ramanujganj, Chhattisgarh

---- Non-applicant

For Applicant	: Shri A.K. Prasad, Advocate.
For Non-applicant	: Shri Ravi Kumar Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/12/2020**

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 14/2020 registered at Police Station Chando, District Balrampur – Ramanujganj, Chhattisgarh for the offence punishable under Section 21-C of the Narcotic Drugs and Pshychotropic Substances Act, 1985 (for short, 'the NDPS Act').

(2) The applicant's first bail application was dismissed on merits by order of this Court dated 28.9.2020 passed in M.Cr.C. No. 4640 of 2020.

(3) Case of the prosecution, in brief, is that the 80 bottles of Phenerex Cough

Syrup each bottle containing 100 ml were recovered from the possession of the applicant and thereby committed the aforesaid offence.

(4) This second bail application has been filed on the ground that the applicant was tested Corona Positive on 18.10.2020 and, therefore, chances of infection to the other jail mates cannot be ruled out, which the State Counsel opposes and submits that the applicant is not entitled to be released on bail.

(5) Having heard learned counsel for the parties, having regard to the facts of the case, particularly taking into account the fact that more than 1 ½ months has passed from the date when the applicant was tested Corona Positive, I am not inclined to release the applicant on bail. Thus, the second bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

