

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7532 of 2019**

- Kallu Kashyap S/o Ramvilas (Sanav Ramvilas) Aged About 47 Years R/o Village Khasoura, Police Station Harpalpur, District Hardoi, Uttar Pradesh, District : Hardoi, Uttar Pradesh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mahasamund, District,- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajesh Jain, Advocate.
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.5.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.81/2019, registered at Police Station - Mahasamund, District Mahasamund(C.G.) for the offence punishable under Sections 20 (B) of the N.D.P.S. Act.
2. It is the case of the prosecution that on 11.2.2019 at about 17.10 pm during search of the vehicle, the police has seized 90 kg Ganja from the possession of the applicant. On the basis of above, offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been

complied with and the seizure witness has turned hostile. He submits that as the applicant is in custody since 11.2.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the applicant is in jail since 11.2.2019 and further considering that trial may take some time for its final disposal, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the 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 23.3.2020 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 within four weeks from today.

9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

sunita