

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1072 of 2020**

1. Amit Gurubachhani S/o Late Shri Bachchumal Gurubachhani Aged About 39 Years R/o Gali No. 6, Telibandha, Raipur, District Raipur, Chhattisgarh.
2. Dheeraj Madhwani S/o Shri Mohan Lal Madhwani Aged About 31 Years R/o Behind Sindhi Dharamsala, Pandri, Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Ganj Raipur, District Raipur, Chhattisgarh.

---- Respondent

MCRC No. 1851 of 2020

- Nitesh Virani S/o Late Sunder Virani Aged About 37 Years R/o Near Asthbhuji Mandir, Rahesh Bada, Brahmanpara, Thana Champa, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ganj Raipur District Raipur Chhattisgarh.

---- Respondent

MCRC No. 2043 of 2020

- Manoj Namdev, S/o Devram Namdev, Aged About 35 Years R/o Village - Sivaneer Champa, Thana - Champa, Police Thana - Champa, District - Janjgir - Champa Chhattisgarh. (Sakin Bangala Chowk, Katwar Mohall Wrongly Mentioned In The Order)

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Thana - Ganj, District - Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 2081 of 2020

- Anil Kumar Kamnani S/o Late Murari Lal Kamnani Aged About 45 Years R/o Mata Devalay Ward, Bhatapara, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Ganj, District- Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Kishore Narayan, Mr. Maneesh Sharma, Mr. Neeraj Choubey & Devarshi Thakur, Advocate.
For Respondent/State	:	Mr. Devesh Verma, G.A. and Mr. K.K. Singh G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

29.05.2020

- The accused/applicants have moved their first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 22/2020 registered at Police Station – Ganj, Raipur, District Raipur (C.G.) for the offence punishable under Section 21 (B) of NDPS Act.
- According to the prosecution story, it has been alleged that the applicant Amit Gurubachhani, Dheeraj Madhwani, Nitesh Virani & Manoj Namdev (Joint possession) and Anil Kumar had kept 360 bottles, 240 bottles, 720 bottles (from the joint possession of Nitesh Virani & Manoj Namdev) and 360 bottles of Onarex cough syrup containing 100 ML syrup in each bottle, respectively. Onarex cough syrup contains psychotropic substance namely Codeine Phosphate & Chlorpheniramine Maleate. Thereafter, Police Personnel searched and seized the same from the possession of applicants and they have been arrested.
- Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. They further submit that as the applicants are in custody since 23.01.2020 and the trial is likely to take some time for its final disposal, they may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- each, with one local surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.
- 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 within four weeks from today.

Sd/-
(Rajani Dubey)
Judge