

**The High Court Of Madhya Pradesh****MCRC-33204-2020***(RAJKISHOR SAHU Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 30-09-2020****Heard through Video Conferencing.**

Shri Praveen Kumar Pandey, learned counsel for the applicant.

Ms. Priyanka Mishra, learned Panel Lawyer for the respondent/State.

On account of prevailing conditions worldwide brought about by the COVID-19 virus, the present application has been heard through video conferencing in order to maintain social distancing. The necessary parties have effectively been represented by their respective counsel via video conferencing. Heard and perused the record.

This is first bail application under Section 439 of the Cr.P.C. filed by the applicant for grant of bail in connection with Crime No.297/2020 registered at Police Station Dhanpuri, District Shahdol (M.P.) under Sections 8-b, 21, 22 of NDPS Act, 1985 and Section 5/13 of Drugs (Control) Act, 1950.

It is alleged that 60 bottles of Ornex cough syrup has been seized from the possession of applicant.

Learned counsel for the applicant submits that the quantity of prohibited syrup seized from the possession of the applicant is much less than the commercial quantity and there is no criminal record against the applicant. He submits that the applicant is in jail since 22.08.2020 and therefore, prays that the applicant be released on bail.

Learned State counsel also submits that there is no criminal record against the applicant.

Taking into consideration the aforesaid submissions and looking to the alleged quantity of cough syrup bottles seized from the possession of the applicant which is much less than the commercial quantity and the fact that applicant is in jail since 22.08.2020, I am of the view that the applicant is entitled to be released on bail. Therefore, without expressing any opinion on

the merits of the case, the application is allowed.

It is directed that **applicant- Rajkishore Sahu**, shall be released from custody upon furnishing a personal bond of **Rs.30,000/- (Rupees Thirty Thousand Only)** with one surety of the like amount to the satisfaction of the learned Court below. The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in Writ Petition No. 1/2020 and ensure, that the applicant is examined by the jail doctor before his release. If the applicant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order be forwarded to the Office of the Advocate General, and also to Ms. Priyanka Mishra, learned Panel Lawyer, on their respective email address for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Accordingly, the bail application is **allowed**.

Certified copy as per rules.

**(VIJAY KUMAR SHUKLA)**  
**JUDGE**

Priya.P