

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6542 of 2015

1. Smt. Abeda Khan, W/o. Late Rahman Khan, aged about 52 years, R/o. Jawaharpara Balod, Thana-Balod, District – Balod (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the S.H.O., P.S. - Balod, District – Balod (C.G.)

---- Respondent

For Applicant	:	Ms. Fouzia Mirja, Advocate
For Respondent/State	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.409/2015, registered at Police Station – Thana - Balod, District – Balod (C.G.) for the offence punishable under Section 20(B) 2 (ii) of Narcotic Drugs and Psychotropic Substances Act.
2. Case of the prosecution, in brief, is that on 02.09.2015 on raid being conducted, from the house of the applicant, 1.900 kg cannabis were recovered and thereafter, the charge sheet has been filed.
3. Learned counsel for the applicant would submit that the applicant is a ailing lady of 52 years. She would further submit that the applicant was not in conscious possession of the cannabis and the house was in occupation of other people also, therefore, the conscious possession

cannot be attributed to the applicant. She would further submit that the applicant being a lady of 52 years and being seriously ailing and is in jail since 08.09.2015, therefore, she may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the documents filed in the case diary and further taking into the fact that the applicant is ailing and the documents of the medical are also part of the records and prima-facie it appears that she is not only inmates, taking into the age of the applicant and her ailment and further applicant is a lady, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge