

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6941 of 2015

1. Saraswati Behera, age-32 years, S/o. Shri Dolagobinda Behra, R/o. Village-Balikeyari, P.S. - Rasol, Tahsil-Digaal, Civil and Revenue District and District – Dhekanala (Odisha)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station, Saraipali, District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/12/2015

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.336/2015, registered at Police Station – Saraipali, District – Mahasamund (C.G.) for the offence punishable under Section 20(c) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 30.08.2015, a vehicle Tata Indica bearing No.O.D.-05/C/9973 was apprehended by the police and 100 kg. of Cannabis were found and in that Car Rajesh Mahanti & Karunakaran Sahu were found and they were apprehended. Subsequently, notice was given to the applicant and she could not produce any document and she being the owner she has also been inculpated in the crime.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the vehicle was handed over to one Hiranya Bisi on monthly rent of

Rs.15,000/- and and relied on the deed of agreement filed alongwith this application. He would further submit that when the cannabis were apprehended, the applicant was not on the spot. He would further submit that the applicant is in jail since 17.11.2015, therefore, the counsel prays that the applicant may be enlarged 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. Admittedly when the cannabis were seized alongwith the Car, the applicant was not apprehended on the spot. Subsequently on the basis of the ownership, the applicant has been inculpated. Having regard to the facts and circumstances of the case and taking into consideration the allegation levelled against this applicant, further considering the fact that charge sheet in this case has been filed and the applicant is in jail since 17.11.2015, 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