

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7518 of 2015

- Smt. Manisha Chatriya W/o Late Shridhar Chatriya Aged About 62 Years R/O Village - Mansi Pedla, Police Station - Chattarpur, District - Ganjum Orissa Civil & Revenue District -Ganjum, Orissa, Present Address - Godripara, Chirmiri, District - Korla Chhattisgarh Civil & Revenue District - Korla Chhattisgarh --- **Petitioner**

Versus

- The State Of Chhattisgarh Through : Police Station Sitapur, District - Surguja, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. A. K. Prasad, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 206/2015 registered at Police station Sitapur, Distt. Surguja (C.G) for the offences punishable under sections 15(b) and 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 23.09.2015 on receipt of secret information that the applicant was carrying poppy husk, the police party reached to the Bus-Stand and thereafter on being apprehended she was found in possession of 16 Kgs. and 150 grams of poppy husk, as such, the offence was committed.
3. Learned counsel for the applicant submits that according to the seizure memo, the place of seizure is the open bus-stand and in front of one Atul Hotel and therefore it

cannot be stated to be in conscious possession of the applicant. He further submits that the applicant has been falsely implicated and she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that it is not possible to hold 16 Kgs., of contraband by hand, therefore, it was kept on the ground and the contraband substance was seized from the possession of the applicant and the seizure was supported by the other witnesses.
5. Perused the case diary and charge sheet. According to the charge sheet, prima facie, it appears that poppy husk was recovered from the possession of the applicant who is stated by the seizure witness also. The area where from it is seized is to be appreciated by the trial Court after the witnesses are examined.
6. Considering the primary evidence and looking to the quantity of poppy husk, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**