

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7459 of 2015

1. Ku. Sarwati Tiwari, D/o. Late Bhagwan Tiwari, aged about 21 years, R/o. Village-Aamakherwa, Manendragarh, Post Office & Police Station - Mahendragarh, District – Koriya (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Manendragarh, District – Koriya (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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.147/2015, registered at Police Station – Manendragarh, District – Koriya (C.G.) for the offence punishable under Section 20 (B) of Narcotics Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on secrete information received that the applicant is in possession of the cannabis without any license, the police has raided the spot and from the possession of the applicant, 1.305 kg. cannabis were recovered. Thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the said cannabis were not recovered from the person of the applicant and it was from the open place. He would further submit that the applicant

is not the only inmate of the house, therefore, it cannot be attributed solely to this applicant. He would further submit that charge-sheet in this case has been filed and applicant is in jail since 03.07.2015. He would further submit that considering the quantity of the seized contraband, 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. Perused the case diary and the statement. Considering the quantity of the cannabis of 1.305 kg, seizure documents and taking into the fact that the applicant is in jail since 03.07.2015 and further considering the fact that seizure has already been made, taking into account the quantity of the contraband seized, 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