

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5437 of 2016

- Hajra Bee W/o Shri Istyaque Ali Aged About 48 Years R/o Village Basin, Out Post Devkar, Police Station Saja, District Bemetara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Saja, District Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Y.C. Sharma, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 61/2016 registered at P.S. Saja, Distt. Bemetara (C.G) for the offence punishable under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, the police on receipt of secret information went to the village Basin and raided the place of applicant and during such raid, 1 Kg., and 340 grams of contraband cannabis was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and according to the map, the alleged recovery was made from a room having no doors where the cattle were kept and the said place is accessible to one and all, therefore, the seizure was not made in person from the applicant. He further submits that

the charge sheet in this case has been filed; no further investigation is necessary and the applicant is in jail since 16.02.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents.
6. Considering the totality of facts and circumstances especially the fact that the quantity of cannabis recovered in this case is 1340 grams; charge sheet in this case has been filed and no further investigation is necessary and looking to the period of detention of the applicant as she is stated to be in jail since 16.02.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE