

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6075 of 2017

- Kusum Bai Banjare W/o Pitambar Banjare Aged About 60 Years R/o Village Limtara, Police Station Simga, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Simga, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Adil Minhaj, Advocate.
For Respondent	:	Mr.Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

09/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 190/2017, registered at Police Station- Simga, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 21.6.2017; the contraband 2.7 kg of narcotic substance ganja has been recovered by the raiding party from the haystack behind the house of the applicant. Further, the house of the applicant is shared by her husband, son, daughter-in-law and grand children. All of them are major. Hence, she cannot be held solely responsible for the possession of the said

narcotic substance. She is an old lady of age more than 60 years, therefore, she may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that ganja was recovered by the raiding party at the instance of the applicant herself, hence, she is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the submissions made and contents of the case diary, it appears that applicant has a case to defend and that she is a woman of age more than 60 years, she is the local resident of the locality whose availability before the trial Court shall not be compromised if she is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge