

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2771 of 2017**

- Smt. Prakash Bai Shrivastava W/o Shri Shankarlal Shrivastava, Aged About 38 Years R/o Village Pawani, Sadakpara, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri SK Guha, Advocate
For Respondent/State	: Shri Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.5.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.157/2017, registered at Police Station Bilaigarh, Distt. Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 20 (b)(ii) B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the Act of 1985).
3. Learned counsel for the applicant submits that the applicant is arrested on 7.4.2017. Charge sheet has not been filed and she has been remanded by 1st Additional Sessions Judge/ Special

Judge under the Act of 1985. The applicant is a woman, aged about 38 years. She is the first offender. As per allegations from the possession applicant 1 kg and 300 gm ganja has been seized which is just 300 gm more than the small quantity. He submits that she will not commit any offence in future, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application. Though he fairly conceded that the concerned police had not noticed any earlier criminal antecedent.

5. I have heard the counsel appearing for the parties and perused the material.

6. On due consideration, as the applicant is a woman and she is in custody for 1 month and 10 days, charge sheet has not been filed, trial may take some time; the applicant is the first offender and on due consideration as the quantity of ganja so seized is just 300 gm more than the small quantity as shown in the table specified in exercise of the powers conferred by clauses (viia) and (xxiia) of Section 2 of the Act of 1985, I am inclined to grant last opportunity to the applicant so that she shall not involve in any of the offence and shall remain in the society peacefully.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two

sureties of Rs. 25,000/- each to the satisfaction of the 1st Additional Sessions Judge/ Special Judge under the Act of 1985, Baloda Bazar for her appearance before the said trial Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**