

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5497 of 2017

Ku. Anastasia Toppo D/o Manoj Toppo, Aged About 20 Years R/o Mirgi Gunda,
Lang Colony, Police Station Kansbahal, District Sundergarh, Orissa.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Kabirdham,
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ravindra Agrawal, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.20 of 2017 registered in Police Station- Kawardha, District- Kabhirdham (C.G.) for alleged commission of offence under Section 20 (b) of the NDPS Act.
2. Case of the prosecution, in brief, is that the vehicle in which the applicant was travelling along with two other accused, 125 kg. *ganja* was found.
3. Learned counsel for the applicant would submit that the applicant is innocent and she was only a traveller in the vehicle going to Kawardha in connection with a catering engagement and she did not know that any of accused was carrying *ganja* in the vehicle. It is also submitted that *ganja* was recovered from under the seat and dickey and not kept in the hands of the applicant. It is further submitted that the applicant is having 2 months' child in her lap which was born on 26.9.2017 and, therefore, she is not likely to abscond or tamper with the prosecution witnesses. Therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State submits that in the

vehicle, huge quantity of 125 Kg. of *ganja* was found and the applicant was also travelling , therefore, a prima facie involvement is made out.

5. Taking into consideration the submissions made by learned counsel for the parties, considering that the investigation is complete, charge sheet has been filed and particularly taking into consideration that the applicant has a two months' old child in her lap and that she is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge