

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8595 of 2016

Smt. Rubi Khan, age 37 years, W/o. Shri Ibrat Khan, by Caste-Muslim,
R/o. Shankar Nagar Ward No.10, Near Gurudwara, P.S. - Mohan Nagar,
Durg, Tahsil and Civil and Revenue District & District – Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : P.S. - Basna, District – Mahasamund
(C.G.).

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.01.2017

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.377/2016 registered at Police Station- Basna, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. As per the prosecution case, on 11.12.2016 on secrete information received that the applicant was traveling with Cannabis and while she was alighting from the bus, 5 Kg. Cannabis was seized from the possession of the applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the seizure was made from the bus and when the bus started from bus-stand Basna to Village-Tappa, five stoppage are there in between Basna to Village

Tappa, therefore, the applicant has been falsely implicated in this case, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Perusal of the document prima-facie appears that recovery was made from the present applicant. Considering the nature of recovery and quantity of the Cannabis seized i.e. 5 kg., I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge