

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1642 of 2017

- Rambati Bai Nishad Wd/o Ranjeet Nishad Aged About 50 Years R/o Kankalin Para, Simga, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

For Applicant : Mr. T.K. Jhan, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 21-9-2016 in connection with Crime No. 257 of 2016, registered at Police Station Simga, District Baloda Bazar Bhatapara (GG) for the offence punishable under Sections 20 (B) of the Narcotic Drugs and Psychotropic Substance Act.. Earlier first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses on 23-11-2016.
2. As per prosecution case, on 23-9-2016, on information received that the applicant was selling the cannabis, a raid was conducted by the police party and from the house of the applicant 3 kgs and 500 grms of cannabis were recovered and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that no seizure was made in person from the applicant, seizure witnesses namely Dilip Kumar Jain and Subham Yadav have been examined and they have not supported the prosecution case. He would further submit that the applicant

has been falsely implicated in the case, she is in jail since 21-9-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, she may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of prosecution.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of seizure witnesses PW/1 Dilip Kumar Jain and PW/2 Subham Yadav which would show that they have not supported the prosecution case.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 21-9-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on her furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju