

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1144 of 2018**

Monica Sachdev W/o Zia Ul Haque Aged About 28 Years R/o Riddi
Siddi Apartment O. C. M. Chowk, Byron Bazar P. S. City Kotwali
Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Tikrapara, Raipur
District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Suresh Tandon, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.02.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.89 of 2017, registered at Police Station Tikrapara, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.2.2017 and she has been falsely implicated in this case. The applicant has been prosecuted for the possession of small quantity of ganja under the provisions of Section 20(b) of the NDPS Act, is punishable with imprisonment which may extend up to one year or with fine and the trial against the applicant is still not concluded, whereas almost more than one

year has completed in detention. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on a search made 265 gm of ganja was recovered from the possession of applicant – Monica Sachdev. The small quantity prescribed under the Schedule of NDPS Act for ganja is below 1000 gm for which the maximum punishment can be imposed is one year only. Hence, for these reasons, the application deserves to be allowed.

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

7. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge