

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7543 of 2017

- Gudiya Rathore @ Pinky W/o Lallu @ Bahadur Singh Rathore, Aged About 30 Years R/o Village Harri, Pendra Road, Police Station Gaurela, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station- Police Station- Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/01/2018

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.339/2017, registered at Police- Station- Torwa, District– Bilaspur(C.G.) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 06.10.2017. On the date of incident, applicant was traveling in an auto rickshaw along with one Padmini Sahu, who happens to be relative of this applicant. The police searched and seized contraband in the bag carried in the same auto which did not belong to this applicant. A false seizure memo was prepared showing that this applicant was in

possession of the same, whereas the real culprit had been Padmini Sahu, who has a criminal history of being engaged in transporting and selling narcotic substance ganja. There is no previous criminal case against this applicant. Hence, it is prayed that she may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the proceedings of investigation is clearly against this applicant although it is admitted that there is no criminal history of this applicant.
4. Heard both the parties and perused the case diary.
5. On the date of incident, police personnel of PS-Torwa searched and seized 9.430 kg ganja from the possession of this applicant when she was in company with one another person. Hence, the case has been registered against this applicant.
6. Considered on the submissions made and the contents of the case and also perused the documents submitted on the record regarding the criminal history of one Padmini Sahu. Taking into consideration this fact, that applicant has no criminal history and there is likelihood of her availability before the trial Court, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a 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

