

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3239 of 2018**

Neha Devi W/o Late Shri Subhodhan Singh Aged About 24 Years R/o-
Mavadhneswarpur, Police Station- Vidhyapatipur, District- Samstipur, Bihar,
District : Samastipur, Bihar.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Rajpur, District- Balrampur-
Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.C. Verma, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.07.2018**

Heard.

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. 23 of 2017, registered at Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 279 and 337 of the Indian Penal Code and 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 02.03.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed. Similarly placed co-accused – Mukesh Kumar Yadav has

been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No.6144 of 2017, vide order dated 28.11.2017. 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. It is submitted that huge quantity of contraband has been seized from the possession of the applicant and other co-accused persons. Hence, the applicant is not entitled for grant of bail.

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

5. On the date of incident, a car bearing registration No. JH-05-E-9380 turned turtle. The police personnel of P.S. Rajpur, District Balrampur-Ramanujganj arrived on the spot and found that this applicant and others were travelling in the same car and also found 73 kg of ganja (narcotic substance) being transported in the said car. Hence, this case.

6. Considering the submission of counsel for the applicant that the applicant was a passenger in a car and the contraband which was kept in the same car was not in her conscious possession and also taking into consideration the fact that similarly placed co-accused person – Mukesh Kumar Yadav has been granted regular bail by the Co-ordinate Bench of this Court, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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

8. It is directed that 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