

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 3332 OF 2018

Smt.Usha Yadav W/o Late Shri Balki Yadav, Aged about 42 years, R/o
 Parsabhata, P.S. Balko Nagar, Distt. Korba (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, P.S. Balko
 Nagar, Distt. Korba (CG)

---Non-applicant

For Applicant	:	Mr.Shailendra Dubey, Advocate
For-Non-applicant	:	Mr.Gary Mukhopadhyay, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/07/2018

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.121/2018, registered at Police Station-Balko Nagar, District-Korba (C.G.), for the offence punishable under Section 20B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as "NDPS Act").

2. Case of the prosecution, in brief, is that 6.400 kg. cannabis was seized from the possession of the present applicant and thereby committed the offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and she has been falsely implicated in

the case. He would further submit that provisions contained in Section 42(2) of the NDPS Act have not been complied with and FSL report has not been produced along with challan. No prima-facie case is made out against the applicant and she is in jail since 19.3.2018. He relies upon the judgment of the Supreme Court in the matter of **Dataram Singh v. State of Uttar Pradesh and Ors.**, decided on 6.2.2018.

4. Learned State Counsel would oppose the prayer for grant of bail and submit that provisions contained in Section 42(2) of the NDPS Act have been complied with and there is evidence on record to hold so and it cannot be held that there is no evidence to connect the applicant in crime in question.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, material available on record and material relating to compliance of Section 42(2) of the NDPS Act, this Court is not inclined to release the applicant on regular bail.

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

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-