

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4077 of 2018

- Smt. Duleshwari Bai Chandra W/o Geet Ram Chandra, Aged About 36 Years R/o Village - Doma, P.S. Malkharauda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Malkharauda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

10/07/2018

1. This is the second bail application of this applicant. The first bail application of this applicant has been dismissed as withdrawn without considering on merits vide order dated 30.01.2018 in MCRC No.7585/2017. This bail application has been 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.129/2017, registered at Police Station- Malkharauda, District- Janjgir-Champa, for the offence punishable under Section 20(b) of Narcotic Drugs Psychotropic Substances 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 25.8.2017. The case is before the trial Court and independent witnesses of search and seizure who have been examined have not supported the prosecution case. Applicant is local resident of District-Janjgir-Champa and she does not have any criminal antecedent. Hence, it is prayed that applicant be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the house of this applicant, which is registered in her name. Hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident PS-Malkharauda, District-Janjgir-Champa searched the house of this applicant and found 1.2 quintal of ganja the narcotic substance concealed inside the house of the applicant which was seized. Hence, this case.
6. After considering on all the material present in the case diary, looking to this development that has taken place in recording of evidence of the witnesses in the case concerned and also considering this fact that this applicant does not have a criminal antecedent, further, she is a woman and she is local resident of District-Janjgir-Champa, for this reason, I am of this view that this is a fit case where applicant should be enlarged on regular 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

Nisha