NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4619 of 2018

- Farida Mirza Wd/o Late Chand Kha Mirza, Aged About 45 Years, R/o- Bitkuli, Outpost Karhi Bazar, Police Station City Kotwali, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Outpost Karhi Bazar, Police Station City Kotwali Baloda Bazar, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-02-2018 in connection with Crime No.103/2018 registered at P.S. - Outpost Karhi Bazar, Police Station City Kotwali Baloda Bazar, District- Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in jail since 16-02-2018. No case is made out against this applicant. The independent witnesses of search and seizure have been examined before the trial Court, who have not supported the prosecution case. The applicant is local resident of District Balodabazar-Bhatapara. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that commercial quantity of Ganja has been recovered and seized from the possession of this applicant, hence, she is not entitled for grant of bail.

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

5. On search made by police personnel of Karhi Bazar, Police Station City Kotwali Baloda Bazar, District- Baloda Bazar-Bhatapara, 29.104 kg. Ganja was recovered and seized from the possession of this applicant, which was kept in her house. Hence, this case.

6. Considered on the material present in the case diary and perused the certified copy of the deposition of independent witnesses of this case who have not supported the prosecution case. After due consideration and looking to the pendency of the trial against this applicant before the trial Court, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil