

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7540 of 2018

Sunita Sahu W/o Rajkumar Sahu, aged about 27 years, R/o village Katgodi, P.S. Sonhat, District Korla (C.G.).

---Applicant

**Versus**

State of Chhattisgarh, Through - The SHO, Sonhat, District Korla (C.G.).

---Respondent

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|                 |   |                                           |
|-----------------|---|-------------------------------------------|
| For applicant   | : | Shri A.K.Prasad, Advocate.                |
| For resp./State | : | Shri Chandresh Shrivastava, Panel Lawyer. |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/10/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.122/2018 registered at Police Station Sonhat, District Korla (C.G.) for the offence punishable under Section 20-B of NDPS Act.
2. Present applicant is in jail since 09/09/2018.
3. The allegation against the present applicant as per the prosecution case is that, on 09/09/2018, the present applicant was found in possession of 7 k.g. 300 grams of Gaanja stored at her residence. On the secret information received by the Police, a search was conducted and the contraband was recovered from the house of the present applicant.
4. The contention of the counsel for the applicant is that, the prosecution has failed to establish the exclusive possession of product from the present applicant. He further submits that, the present applicant is not infact the

owner of the house from where the contraband was seized. He further submits that, it is also not a case of the prosecution that she was the sole resident in the house. According to the applicant's counsel, there were other family members also residing with her and she is totally unaware of the product being stored at her residence and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, it is a case where during the course of search, it was only the applicant who was available at the residence and therefore in the absence of any other person available at the residence, it has been rightly inferred that the present applicant is the person who had been found in possession of the product and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that there is no proof of the applicant being the owner of the house in the case diary, neither is there any evidence to show that she was the sole person residing in that house.

7. Moreover, the contraband has been recovered from beneath the bed in one of the bedrooms. It is also not established as to whether it was the present applicant's bedroom in which the search was conducted.

8. Also considering the period of custody undergone and the quantity of contraband seized from the present applicant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

9. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on her executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-  
(P. Sam Koshy)  
JUDGE