

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6985 of 2017**

Sarita Mahar D/o Amardas Rajkamal, Aged About 28 Years R/o
Kushmi, P. S. Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Old Bhilai, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.01.2018**

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. 526 of 2016, registered at Police Station Old Bhilai, District Durg, Chhattisgarh for the offence punishable under Sections 20(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.12.2016 and she has been falsely implicated in this case. The applicant had been on visit to the house of main accused – Rajesh Suryawanshi and his wife Poornima Suryawanshi, and when the police raided their house found the said ganja. Surprisingly, a joint seizure memo has been prepared showing the applicant as the one in possession of the

said contraband, whereas the information received and the search intended was only with regard to Rajesh Suryawanshi. The applicant is ready to abide by all the conditions that may be imposed on her. 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 13.5 kg of ganja (narcotic substance) has been seized from the applicant and the co-accused persons jointly and further at the instance of main accused – Rajesh Suryawanshi, in total 102.54 kg of ganja has been seized from various persons. Hence, presence of the applicant in the house of the main accused was not without any purpose because of which, the applicant is not entitled for grant of bail.

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

5. The case against the applicant has been discussed in the submissions made by the counsel of both the parties as it appears that a direct raid was conducted in the house of main accused – Rajesh Suryawanshi, there is no such evidence that the applicant was a resident of the same house and also she has no criminal antecedents. Hence, for these reasons, this application deserves to be allowed.

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

7. It is directed that the 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

Nimmi