

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7933 of 2018

Smt. Ranu Mourya W/o Ganesh Mourya, aged about 30 years, R/o Tikrapara, P.S. City Kotwali, Tehsil and District Bilaspur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. City Kotwali, District Bilaspur (C.G.).

---Respondent

For applicant : Ms. Shivali Dubey, Advocate.

For resp./State : Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 369/2018 registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence punishable under Sections 21 & 22 of NDPS, Act.
2. Present applicant is in jail since 22/08/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant and the co-accused namely Ganesh Mourya who happens to be the husband of the present applicant were involved in the sale and purchase of prohibited/restricted drugs namely Nitrogen Tablet - 1,300 in number and Avil Ampule - 500 in number.
4. The counsel for the applicant submits that, the present applicant has been implicated only on account of the fact that she happens to be the wife

of the other accused person. She further submits that, the prosecution has also not been able to establish the fact that, the present applicant was the sole inmate of the house to establish an exclusive possession of the contraband seized. She further submits that, the present applicant was totally unaware of the said medicine being kept at the house and thus prayed for releasing the applicant on bail.

5. The State counsel on the contrary opposing the bail application submits that, it is a case where the respondent have got an specific information of the present applicant and the co-accused dealing in the said illegal business and when a raid was conducted, a huge quantity of Nitrogen Tablet as well as Avil Ampule was recovered from their possession and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record what clearly reflect is the fact that, the prosecution has not been able to establish as to whether the present applicant was the sole inmate of the house from where the recovery has been made. It is a case, where the husband of the present applicant was also an accused.

7. Given the aforesaid factual matrix of the case so also considering the fact that the applicant is a lady and that there is no past antecedent and also considering the period of custody undergone, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. 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