

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1410 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Saja District Bemetara Chhattisgarh.

---- **Petitioner****Versus**

- Hajara B W/o Istayak Ali Aged About 48 Years R/o Village Basin, Chowki Dewkar, Police Station Saja District Bemetara Chhattisgarh.

---- **Respondent**

 For the Petitioner/State : Shri Ravish Verma, Govt. Advocate
 For the Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****05.11.2019.**

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This petition has been preferred against judgment of acquittal dated 15.02.2019 passed by Special Judge under the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'the Act 1985') Bemetara, Distt. Bemetara (CG) in Special Case (NDPS) No.04/2016 wherein the said Court acquitted the respondent for the charge under Section 20(b)(ii)(B) of the Act 1985 for keeping 1.300 Kg of contraband article ganja in her possession on 16.02.2016 at about 17.05 hours.
3. In the present case, the articles were seized from a house situated at village Basin. No record of right was produced before the trial Court that the house was in exclusive possession of the

respondent. As per the panchnama the place is an open place where goats were tied and the premise in question is not a closed room. The place is accessible to all and therefore, it cannot be said that the said place was in exclusive possession of the respondent. In absence of any documentary evidence regarding ownership of the premises, it cannot be held that said premise was only owned by the respondent.

4. The trial Court elaborately discussed the entire evidence and recorded finding that criminal liability cannot be fastened on the respondent. After going through the record, this Court is of the opinion that it is not a case where the respondent should be called for full consideration of the case. It is also not a case where interference of this Court is required with the judgment of the trial Court.

5. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE