

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3453 of 2019

- Smt. Sushma Chandra W/o Ashok Chandra, Aged About 40 Years R/o Village Tikri Sadakpara, P. S. Marwahi, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Ramanujnagar, District- Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shakti Raj Sinha, Advocate.

For Non-applicant/State : Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-07-2019

Heard.

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 07.03.2019 in connection with Crime No. 45/2019, registered at Police Station– Ramanujnagar, District- Surajpur, Chhattisgarh for offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted by learned counsel for the applicant that applicant is in jail since 07.03.2019. No case is made out against this applicant. The investigation in this case is illegal according to the ratio laid down by the Supreme Court in ***Mohan Lal Vs. State of Punjab*** reported in ***AIR (SC) 2018-0-3853***. Therefore, prayed that application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of Police Station – Ramanujnagar, District- Surajpur, C.G. made a seizure of 5.050 k.g. of Ganja from the possession of this applicant. Hence, this case.
6. After considering that the applicant is in jail since about more than three months and the case has been investigated and charge-sheet has been filed. Further, for the reason that the applicant is local resident of the State of Chhattisgarh, hence, I feel inclined to allow this application.
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

Monika