

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 212 of 2020

Jalwati Patel W/o- Ramsai Patel, aged about 40 years, R/o- Tundra Amlibhata, Police Station- Gidhouri, Present Address- Village- Kura, Police Station- Dharseva, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- S.H.O.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Gupta, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/06/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending her arrest in connection with Crime No. 277/2018, registered at Police Station: Bilaigarh (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. First bail application was dismissed for want of prosecution vide order dated 22.01.2020 passed in MCRCA No.120/2020.
4. In this case there are total three accused persons. According to the case of the prosecution, on 13.11.2016, on the basis of information received from informant, police officials searched and seized vehicle bearing registration No. CG 04 LU 9841 which was driven by co-accused person namely Dhansaye Patel. On being searched total 83 Kgs of Ganja was seized from the possession of the co-accused Santra Bai and Dhansaye Patel. Allegations against the present Applicant is that being the owner of the said vehicle, she is involved in the said crime-in-question. On the basis of said, offence has been registered.
5. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that there is no direct or indirect evidence against the present Applicant. She is the owner of the said vehicle and she has no knowledge that the co-accused persons were

carrying *Ganja* in the said vehicle, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case and arguments adduced by the counsel for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge