

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1279 of 2020

Shobha Kushvaha, Wd./o Late Sanjeev Kushvaha, aged about 55 years, R/o Behind Hospital, Daripara, Ambikapur, District Surguja (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Ambikapur, District Surguja (C.G.)

---- Non-applicant

For Applicant:	Mr. Vikram Dixit, Advocate.
For Non-applicant:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/06/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing her on regular bail during trial in connection with Crime No.359/2019, registered at Police Station Ambikapur, Distt. Surguja for the offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that 50.20 gms. of brown sugar was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, she has been falsely implicated in the case and charge-sheet has been filed. The applicant has been arrested on 14-6-2019. He further submits that the quantity of brown sugar recovered from the possession of the applicant is more than small quantity, but less than commercial quantity.
4. On the other hand, learned State counsel opposes the application and submits that the applicant has already been convicted under Section

20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in which she was granted bail by this Court and taking the advantage of the privilege of bail, she again involved in this offence and therefore she be not released on bail.

5. I have heard learned counsel for the parties and considered the submissions.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, particularly, taking into account the previous history of the applicant that during the bail period, she was found involved in the aforesaid offence and 50.20 gms. of brown sugar was recovered from her, I am not inclined to grant bail to the applicant. The application is accordingly rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma