

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4963 of 2020**

- Parvati Bai W/o Late Vijay Singh Aged About 40 Years R/o Janta Quarter 1316, Veer Savarkar Nagar, Police Station Kabir Nagar, District Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kabir Nagar, District Raipur, Chhattisgarh.

---Non-applicant

For Applicant : Shri Sumit Singh Rahtore, Advocate

For Non-applicant : Ku. Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**28.9.2020.**

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release of her on regular bail during trial in connection with Crime No. 132 of 2020 (wrongly mentioned as 132/2018 in the memo of appeal), registered at Police Station Kabir Nagar, Distt. Raipur (CG) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution, in brief, is that, 1.525 Kg ganja was recovered from the possession of the present applicant and thereby committed the aforesaid offence.

4. Learned counsel for the applicant submits that the applicant is a widow and has not committed any offence and she has falsely been implicated in crime in question. She is in jail since 06.7.2020 and trial is likely to take time for its conclusion.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicant and considering that quantity of narcotic drugs recovered from the applicant which is slightly more than small quantity but less than the commercial quantity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her

appearance as and when directed.

10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), she need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if she has not furnished bail bonds earlier, then she will be required to furnish bail bonds.

11. It is also made clear that if the applicant is found involved in any other case, the State is at liberty to move application for cancellation of the bail granted to the applicant in accordance with law.

Sd/-
(Sanjay K. Agrawal)
JUDGE