

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7836 of 2019**

- Smt. Nilima Bairagi S/o Shri Jaidev Bairagi Aged About 39 Years, R/o Garpagudi (Sirodi), Police Station Kalimela Tahsil And District Malkangiri, Odisha.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station Darbha Bastar, District Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashutosh Shukla, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing her on regular bail during trial in connection with Crime No. 37/2018 registered at Police Station Darbha, Jagdalpur, District-Jagdalpur (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. The prosecution story, in brief is that, on 03.08.2018 in front of CRPF camp Kamanar from the back seat of Maruti Swift Desire car bearing registration No. OD-03-E-6755 of the applicant police personnel seized 110.00 Kg. Ganja (Cannabis). Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the memorandum seizure witnesses have turned hostile and the applicant is in jail since 03.08.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the memorandum seizure witnesses turned hostile. The applicant is in jail since 03.08.2018 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

**Sd/-
(Rajani Dubey)
Judge**