

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8178 of 2019

1. Dhansai Patel S/o- Saharam Patel Aged About 47 Years R/o- Tundra, Gidhaoury, Baloda-Bazar, District- Baloda-Bazar-Bhatapara, Chhattisgarh.
2. Santra Bai W/o- Dhansai Patel Aged About 44 Years R/o- Tundra, Gidhaoury, Baloda-Bazar, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Hemant Gupta, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/01/2020

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 277/2018, registered at Police Station Bilaigarh, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. Learned Counsel for the applicants submits that he does not want to press the instant bail application with regard to applicant no. 1.
3. As per prosecution story, on 06.08.2018, on the basis of information received from an informant, investigating officer of the case searched the vehicle bearing Registration No. CG 04 LU 9841 which was driven by applicant no. 1, wherein, total 83 Kgs. of contraband *ganja* has been seized. The applicants have been arrested on 06.08.2018 itself.

4. Learned counsel appearing on behalf of applicant No. 2 submits that applicant no. 2 is innocent and she has been falsely implicated in the present case. He further submits that applicant no. 2 is the wife of applicant no. 1 and she has no knowledge about the contraband *ganja* which was kept in dicky of the said car. The Counsel finally submits that seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, applicant no. 2 is a lady and she is in custody since 06.08.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, applicant no. 2 may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant no. 2 is a lady, she is in custody since 06-08-2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release applicant no. 2 on bail.
8. Accordingly, the bail application is allowed with regard to applicant no. 2.
9. It is directed that applicant no. 2 shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge