

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 203 of 2021

Smt. Pushpa Kour W/o Late Bhupender @ Bhupendra, Aged About 62 Years,
R/o -Ward No. 58, Lodhipara, Near Shayam Welding, Urla, P.S -Mohan Nagar,
Durg, Tehsil and District -Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S -Mohan Nagar,
District -Durg, Chhattisgarh.

--- Respondents

For Petitioner	: Mr. Avinash Chand Sahu, Advocate.
For Respondent-State	: Mr. Ajay Kumrani, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

24/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.397/2020, registered at Police Station -Mohan Nagar, Distt -Durg, (C.G), for the offence under Section 22 & 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act of 1985').
2. Case of the prosecution is that on 25.11.2020, the Police received secret information that present applicant is carrying prohibited Alprazolam Tablets and going to sell it. On the basis of said information, the Police went to house of applicant and during search found that applicant is possessing three rappers of Alprazolam Tablets, each rappers containing 75 tablets and in total 255 tablets. Total quantity of drugs has been mentioned as 112.05 mg based upon which, aforementioned offences was registered against present applicant.
3. Learned counsel for applicant submits that present applicant is a 62 years old lady and not involved in any manner in the alleged offence, a false and frivolous case has been registered against her. Quantity of drugs substance allegedly seized from her possession is only 112.05 mg which is less than a small quantity as mentioned in Serial No.178 of table of Scheduled under the Act of

1985. Applicant is in jail since 26.11.2020, hence, she may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that on the basis of secret information, the Police has search the house of applicant and recovered total 255 tablets of Alprazolam Tablets from her possession, therefore, applicant is not entitled for grant of bail. On putting specific query, learned State Counsel submits that there is no mention of any criminal antecedents of applicant in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, total quantity of drugs substance recovered from the possession of applicant which as per entry made in Serial No.178 of table under the Act of 1985 is less than the smaller quantity and the fact that applicant is not having any criminal antecedents as per case diary as stated by learned State Counsel, period of detention of applicant, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on her furnishing bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) She shall not, in any manner, tamper with the prosecution witnesses.
 - c) If she is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge