

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 714 of 2021**

Shakuntala Sharma, W/o. Hemant Kumar Sharma, aged about 41 years, Caste Brahmin, R/o Ward No. 04, Panikapara, Bharatpur, P. S. Janakpur, District Koriya Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, P. S. Janakpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Shaktiraj Sinha, Advocate

For Respondent/State : Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/06/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.135/2020, registered at Police Station – Janakpur, District – Koriya (C.G.) for the offence punishable under Section 21 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a woman and she is in jail since 02.10.2020. Charge-sheet in this case has been filed and the trial is not making any progress. Therefore, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that the applicant has criminal antecedents for the commission of offence under Section 294, 323 and 506 of the Indian Penal Code, therefore, she is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 5 bottles of cough syrup having contents of Codeine Phosphate were seized from the possession of this applicant, which is although more than small quantity but less than commercial quantity. Hence, this case.
6. Considered on the submissions and the facts of the case. Considering that the applicant is in jail since 02.10.2020, trial against her is not making any progress, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge