

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1185 of 2021**

- Sunil Nishad, aged about 25 years, S/o Nirmal Nishad
- Smt. Namrata Nishad, aged about 27 years, W/o Sunil Nishad

Both applicants are R/o Shankar nagar, Ward No. 30/ New-Shantinagar,
Raipur, Police Station Civil Lines, District Raipur Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: Police Station- Baghbahra, District Mahasamund, Chhattisgarh

-----Respondent

For Applicants	: Mr. Mayank Chandrakar, Advocate
For Respondent- State	: Mr. Ajay Kumrani, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****24/03/2021**

1. Applicants have preferred this **First Bail Application** under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No.23/2021 registered at Police Station Baghbahra, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. During the course of argument, learned counsel for the applicants submits that he is not pressing the application with respect to applicant no. 1 by name Sunil Nishad and seeks permission of this Court to withdraw the bail application of applicant no. 1/ Sunil Nishad.
3. Prayer is allowed.
4. Bail application of applicant no. 1 by name Sunil Nishad is dismissed as withdrawn.

5. Case of the prosecution is that, on 27.01.2021, police of police station Baghbahra received a secret information that some person who is traveling on white color activa bearing registration no. CG04LV3587 at NH-353 is carrying contraband ganja along with him. Based on the said information, police intercepted the said vehicle on NH 353, Pithora chowk Barbahra. During the search, police recovered brown color bag from the possession of applicant Namrata Nishad, containing contraband ganja, weighing 11kg, worth Rs. 1,10,000/-. Based on the seizure, offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 was registered against her and her husband.
6. Learned counsel for the applicants submits that applicant is a pregnant lady and she was traveling to hospital with her husband, she was not aware of the article inside the bag. She was not in conscious possession of contraband. Learned counsel also submits that she has also placed on record the medical prescriptions and document showing that she was carrying pregnancy of eight-weeks. He submits that she may be enlarged on bail. Learned counsel further submits that there is no criminal antecedents of the similar nature against the applicant no. 2.
7. Learned counsel representing the State, while opposing the submissions made by learned counsel for the applicants submits that the contraband/ ganja has been seized from the possession of applicant no. 2 who is holding while sitting on the activa vehicle, therefore, she is not entitled to be enlarged on bail. Upon putting specific query with regard to the criminal antecedent, learned counsel submits that by the material available in the case diary, there is no criminal antecedents against applicant no. 2.
8. I have heard learned counsel for the respective parties and also perused

the record.

9. Taking into consideration the nature of allegation levelled and the place where the contraband/ ganja has been recovered and further taking into consideration the medical document placed on record showing that applicant no. 2 is carrying pregnancy of eight-weeks, I am inclined to allow bail application filed under Section 439 of CrPC with regard to applicant no.2 by name Namrata Nishad.
10. Accordingly, the bail application with respect to applicant no. 2 is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant 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