

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2130 of 2021**

Smt Pinki Rathore W/o Bahadur Rathore Aged About 32 Years
 R/o Village Lalpur, Police Station Gorella, District Gorella
 Pendra Marwahi Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police
 Station Gorella District Gorella Pendra Marwahi, Chhattisgarh
 --- **Respondent**

For the applicant : Mr. Vivek Kumar Tripathi, Advocate.
 For the Respondent : Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04.08.2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.15/2021 registered at Police Station Gorella, District Gorella, Pendra Marawahi (C.G) for the offences punishable under Sections 20-B of the NDPS Act.
2. As per the prosecution case, on 12.01.2021 when the vehicle bearing Regn. No. C.G.04-H.A.8960 was intercepted, 25 Kgs. of cannabis was recovered from the back seat of the Car and the Applicant and Hari Singh were made accused.
3. Learned counsel for the applicant submits that the Ganja was kept in the back seat and it was shown to be recovered from the joint possession of Hari Singh and the present applicant. However, the evidence and FIR shows that the cannabis was kept in the Car and was not seized from the present

applicant in person. He further submits that subsequently if it has been shown that the recovery was exclusively made from the present applicant, the applicant has wrongly been made accused. He further submits that the charge sheet has been filed and applicant is in jail since 12.01.2021, therefore, she may be released on bail.

4. Per contra, learned State Counsel opposes the bail and would submit that the seizure memo shows that the recovery was made in person from the present applicant.
5. Considering the FIR, prima facie, it shows that the cannabis was kept in the back seat of the Car and no further seizure is required and the applicant is in jail since 12.01.2021, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**