

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3436 of 2021

- Harshwardhan Sharma S/o Sanjay Sharma Aged About 27 Years R/o Hig 33/34, Bajaj Colony, Sector 1, Police Station New Rajendra Nagar , Raipur , Chhattisgarh (House No. Wrongly Mentioned As A/33)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Aazad Chowk , District Raipur Chhattisgarh

---- Respondent

M.Cr.C. No.4512 of 2021

- Lakhprit Kaur D/o Joga Singh Aged About 23 Years R/o A/1 Shanti Nagar Supela, P.S. Supela, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant(In M.Cr.C. No.3436/2021) : Mr. Kishore Bhaduri, Senior Advocate
with Mr. Sunny Agrawal, Advocate.

For Applicant(In M.Cr.C. No.4512/2021) : Mr. K.K. Dixit, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

19-08-2021

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.232/2020, registered at P.S.- Azad Chowk, District- Raipur (C.G.), they are being decided by this common order.
2. The applicant in M.Cr.C. No.3436 of 2021 has been convicted under offences registered under Sections 20(B), 27 and 29 of N.D.P.S.

Whereas applicant in M.Cr.C. No.4512/2021 has been convicted for the offences under Sections 22(B), 27 and 29 of N.D.P.S. Act.

3. Learned counsel for the applicant in M.Cr.C. No.3436 of 2021 submits that this applicant has been falsely implicated in this case. There is no recovery made from the possession of this applicant. The only statement of the co-accused on memorandum is being relied upon by the prosecution, which is not admissible in evidence. There is statement of one witness that this applicant was present in the party, but it does not prove his involvement in the case concerned. Therefore, it is prayed that this applicant may be granted bail.
4. Learned counsel for the applicant in M.Cr.C. No.4512 of 2021 submits that this applicant has been falsely implicated in this case. There is no recovery made from this applicant and she has also been arrayed as an accused only on the basis of the statement given by one witness that is she was present in the party which is not an incriminating evidence. Therefore, she may be enlarged on bail.
5. Learned counsel for the State/non-applicant opposes the application and submissions made in M.Cr.C. No.3436 of 2021 and submits that this applicant has previous criminal antecedents regarding the offences under I.P.C. Therefore, he appears to be habitual offender, hence, his application may be rejected.
6. Learned counsel for the State/non-applicant opposes the application and submissions made in M.Cr.C. No.4512 of 2021 and submits that that this is the second offence registered against this applicant. Previous criminal case registered is as Crime No.232/2020 under N.D.P.S. Act, therefore, she is also a repeat offender and not entitled for grant of bail.
7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, on the date of incident, the police of

police station Azad Chowk, Raipur, conducted a raid in the premises where on search made 9.990 gms. of cocaine in a polythene and 9.240 gms loose cocaine was seized from the possession of co-accused Raydon. The applicants in both the cases have been arrayed as accused in this case on account of their presence in the party. Hence, this case.

9. Considered on the submissions, it is clear that there is no recovery made from these applicants in both the cases and looking to the other evidence and circumstances present, I feel inclined to allow both these applications.

10. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

11. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge