

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4073 of 2021

- Syed Nargis W/o Mr. Syed Hamid Aged About 31 Years R/o Near Gupta Building, Motibagh Chowk, Police Station Goal Bazaar, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Goal Bazaar Raipur, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Bhaskar Payashi, Advocate.

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 20.05.2021 in connection with Crime No.34/2021 registered at Police Station— Goal Bazaar, Raipur, District- Raipur, C.G. for offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant is in jail since 20.05.2021. The applicant is a woman and she has a child of 08 years age. Therefore, remaining in jail would create unnecessary hardship on her child and her family. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the present is the sixth case against this applicant. The previous three cases against the applicant are under Section 27 of N.D.P.S. Act regarding the consumption of narcotic substance and the

previous two cases are registered under Section 20-B of N.D.P.S. Act. Hence, on this basis, it can be said that this applicant is a habitual offender and she may not be granted bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 1.1 kg. cannabis has been seized from the possession of this applicant by the Police Station Goal Bazaar, Raipur. Hence, this case.
6. Considered on the submissions. Although, there is a previous record of this applicant but for the reason that she is a woman and also has a child to look after, the investigation and trial is likely to take time and that she is local resident of Raipur, I feel inclined to allow this application.
7. This condition would specifically imposed that in case, if the applicant is again found engaged in commission of similar kind of offence in future, this bail granted shall stand automatically canceled.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for her appearance as and when directed. Condition imposed as hereinabove.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge