

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8116 of 2020**

- Heera Devi W/o Late Surajdas Aged About 57 Years Caste - Goswami, R/o Barhol, Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kelhari, District Korea Chhattisgarh

---- Respondent

For Applicant	:	Shri Ajay Kumar Pandey, Advocate
For State	:	Shri Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.58/2020 registered at Police Station – Kelhari, District - Korea (C.G.) for alleged commission of offences under Section 20 (B) of NDPS Act, 1985.
2. Prosecution case is that when upon receipt of mukhbir information, vehicle Bolero bearing registration No.C.G.16-CB-0770 was intercepted, it was found driven by one Pradeep Dewangan and another person Ibrahim was found sitting in the vehicle. After search carried out, 34 kgs of ganja was recovered from the vehicle. The present applicant has been involved as the applicant's name is recorded as the registered owner of the vehicle.
3. Learned counsel for the applicant would submit that the applicant is the resident of the city and her statement was recorded by the police in which she has stated that the vehicle was taken by Pradeep Dewangan stating that someone in his family is to be taken to the hospital. He submits that the applicant is not involved in the alleged commission of offence because she was neither present in the vehicle nor there is any material to show any connection or association with the accused. Merely because the

applicant happens to be the registered owner of the vehicle, it cannot be said that the applicant is involved in the alleged commission of offence. He further submits that investigation is complete and charge sheet has also been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that though the present applicant was not found in the vehicle, the vehicle belongs to the present applicant and the statement of the applicant that she had given the vehicle to Pradeep Dewangan for taking someone to the hospital, is her defense but a *prima facie* case is made out because the applicant happens to be the registered owner of the vehicle.

5. I have heard learned counsel for the parties.

6. Even according to the case of the prosecution, the vehicle was being driven by one Pradeep Dewangan and the other occupant was Ibrahim. Ganja was recovered from the vehicle. The applicant has been involved in the alleged commission of offence on the basis that the vehicle was registered in the name of the applicant. The applicant is a house maker and it is not shown that she has been involved in other activities except a house wife. The police has recorded her statement in which, she has stated that Pradeep Dewangan asked her vehicle stating that he has to take someone to the hospital. There are no criminal antecedents of the present applicant. Therefore, taking into consideration the totality of the aforesaid material, particularly that the applicant is a house wife and not stated to be involved in any other commercial or business activities, this Court has to form an opinion that there are reasonable grounds to believe that the applicant has not committed any offence on the *prima facie* consideration of the material contained in the charge sheet. Further, there is no material before this Court to show that the applicant is likely to commit any offence while on bail. Therefore, in these circumstances, a case for grant of bail is made out.

7. Accordingly, the application is 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) She shall not make any attempt to tamper with the prosecution witnesses.

If the vehicle of the applicant is found involved in commission of similar offence in future, the State would be at liberty to seek cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge