

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7864 of 2021**

Shribai Sahu, Age about 65 years, W/o Late Mukesh Sahu, R/o Ward No. 2,
Near Railway Crossing, Kholipara, Navapara, P.S. - Gobra-Navapara, District
(Revenue & Civil) – Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station Gobra
Navapara, District : Raipur (C.G.)

----Non-applicant

For Applicant	: Ms. Richa Pandey, Advocate.
For Non-applicant	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****08-11-2021**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail in connection with Crime No. 335/21 registered at Police Station Gobra Navapara, District – Raipur (C.G.) for the offence punishable under Section 20(b) of The Narcotic Drugs and Psychotropic Substances Act, 1985 (henceforth “NDPS Act”)

(2) Case of the prosecution, in brief, is that as per secret information received by police of Police Station Gobra Navapara, District Raiur, police personnel caught red handed the applicant and seized 1 kilograms & 100 grams of contraband article Ganja from her illegal possession. Based on which, FIR under Section 20(b) of the NDPS Act has been registered against the applicant.

(3) Learned counsel for the applicant would submit that applicant, who is 65 year old lady, has been falsely implicated in the crime in question as alleged contraband article *Ganja* has not been seized from her exclusive possession. She further submits that the applicant has been arrested on 27.9.2021 and the quantity of contraband article allegedly seized from the possession of the applicant is only 1 kilogram & 100 grams, which is slightly more than the small quantity and the trial is likely to take some time for its final disposal and, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State opposes the submission made by counsel for the applicant stating that four cases relating to Excise Act were registered against the applicant and the instant case is registered against her under the NDPS Act, therefore, the applicant is not entitled to be released on bail.

(5) In reply to the contention of counsel for the State/non-applicant, counsel for the applicant submits that four cases registered against the applicant under the Excise Act have already been decided and those are four year old cases, which have been reached in its final conclusion, hence, it could not been taken into consideration to decide present bail application.

(6) Considered the submissions made by counsel for the parties and perused the case diary.

(7) Looking to facts & circumstances of the case, particularly the fact that quantity of seized contraband article *Ganja*, which is slightly more than the small quantity; detention period of the applicant, who is said to be 65 year old lady and totality of the facts, I feel inclined to grant bail to the applicant. Accordingly, the bail application is allowed.

(8) Accused/applicant is directed to be released on bail on her executing a personal bond for a sum of Rs.50,000/- with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

