

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9330 of 2020

Kiran Chandani, W/o Suresh Chandani, aged about 42 years, resident of H.No. 1123, Housing Board Colony, Sejbahar, P.S. Sejbahar, Raipur, District – Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station New Rajendra Nagar, District – Raipur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Prakash Tiwari, Advocate.
For Non-applicant/State : Mr. Neeraj Pradhan, P.L.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The applicant has been arrested in connection with Crime No. 262 / 2020 registered at Police Station New Rajendra Nagar – Raipur (Chhattisgarh) for the alleged commission of offence under Section 18 (b) of NDPS Act.
2. Case of the prosecution is that the applicant was found selling 10.30 kg of poppy-straw on street illegally without any authority of law or valid licence.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case, she is a poor lady and a street vendor selling vegetables and a false seizure has been made against her. It is further submitted that alleged quantity of seizure is far less than the commercial quantity of 50 kgs., therefore, at this stage, when investigation is complete, charge sheet has been filed and applicant is in detention since 27.10.2020, applicant, being the poor lady, is not in a position to abscond

or temper with prosecution witnesses, bail may be granted to the applicant.

4. On the other hand, counsel for the State would submit that upon receipt of mukhbir information, when police party led raid on the street, the applicant/street vendor was found in possession and selling poppy-straw, which upon weighment was found to be 10.30 kgs, which though not commercial quantity but it is a substantial quantity, therefore, a *prima facie* case is made out against the present applicant.
5. I have heard learned counsel for the respective parties and perused the case diary.
6. Taking into consideration the nature of allegation against the applicant, particularly, taking into consideration the quantity of poppy-straw, which is alleged to have been seized from the applicant and further the submission that alleged quantity is 1/5th of the commercial quantity of poppy-straw and that the investigation is complete, charge sheet has been filed and no material is available on record which goes to show that she is likely to abscond or temper with the prosecution witness, at this stage, I am inclined to release the applicant on bail.
5. The application is accordingly allowed and 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 concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) If there is allegation of repetition of similar offence against the applicant, the bail granted to him shall be liable to be cancelled.
 - (iii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)
Judge

D/-

