

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9508 of 2020

- Nikita Panchal D/o Sharad Panchal Aged About 30 Years R/o 13/D, Ruabandha, Sector Bhilai, Tahsil Durg, District Durg Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Jitendra Gupta, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09.11.2020 in connection with Crime No. 232/2020, registered at Police Station– Azad Chowk, Raipur, Chhattisgarh for offence punishable under Sections 22-B & 29 of N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant that applicant is in jail since 09.11.2020. No case is made out against this applicant. She has no connection with the offence committed and there is no seizure made from this applicant of any contraband. The memorandum statement of co-accused Raydon has no evidentiary value. The applicant does not have any criminal antecedent. She is local resident of Durg, C.G. Hence, it is prayed that she may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the offence registered against this applicant is under Section 29 of N.D.P.S. Act, according to which, this applicant has conspired and assisted in the commission of offence by the co-accused persons, who procured contraband, the cocaine, which was used in the rave parties which were arranged by this applicant. Therefore, this applicant has actively promoted the commission of such offence, hence, she is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on 21.10.2020, 9.240 gm. Cocaine, which is a psychotropic substance was seized from the co-accused Raydon. Co-accused Raydon has stated in his memorandum statement that he used to provide cocaine for rave parties, which were being arranged by this applicant and others. On this basis, this applicant was arrayed as an accused in this case.
6. Considered on the submissions. The applicant is in jail since about more than 6 months. She has no criminal antecedents and further, she is local resident of this State and also taking into consideration the statements made on her behalf, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge