

**(2018) 12 CHH CK 0104**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 8703 Of 2018

Rama Baghel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Dec. 19, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(B)

**Hon'ble Judges:** Gautam Chourdiya, J

**Bench:** Single Bench

**Advocate:** Keshav Dewangan, Anil S. Pandey

**Final Decision:** Allowed

**Judgement**

Gautam Chourdiya, J

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 116/2018 registered at Police Station - Kotwali, Distt. Bastar (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that 24 kg. 200 gms of ganja was seized from the possession of the applicant and, thereby the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that applicant has falsely been implicated in the crime in question as the seizure made is false &

fabricated and the seizure witness has turned hostile and not supported the case of the prosecution. He further submits that the applicant, being woman, is in jail since 23.03.2018 and no useful purpose would be served in keeping her in custody and, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that there is no previous criminal antecedents against the applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further considering the fact that applicant, being woman, is in jail since 23.03.2018; and the fact that seizure witness has not supported the case of the prosecution and turned hostile and there is no previous criminal antecedents against the applicant, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.1,00,000/- with two sureties 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 till disposal of the trial.

Certified copy, as per rules.