

3. Learned counsel for the applicant *inter alia* contends that recovery effected from the applicant is 2 kilograms of charas; final chemical examination report even does not suggest that samples were separately seized from each packet; that applicant has been booked in this crime by police with malafides as ex-husband of applicant was a policeman; applicant is not previously involved in same nature of the cases; investigation is completed; no independent person has been cited as witness and all the prosecution witnesses are police officials hence there is no question of tampering with the prosecution evidence. He lastly contended that applicant is mother of five children including two minor kids and is behind the bar for more than seven months.

4. Learned A.P.G. while opposing this application, has contended that offence committed is a crime against society hence applicant is not entitled for concession of bail.

5. After careful consideration of contentions of learned counsel for the parties and meticulous examination of available record, alleged contraband narcotics is 2 kilograms of chars. No private witness has been associated despite prior spy information, hence the complainant party *least* could have made an attempt to associate *private* mashirs from way or at the spot; which makes a room for further probe. Besides, applicant has been in continuous custody for more than seven months and is no more required for the purpose of investigation nor the prosecution has claimed any exceptional circumstance which could justify keeping the applicant behind the bars for an indefinite period. Moreover, prosecution has not claimed that the applicant is previously involved in same nature

of the cases. All the prosecution witnesses are police officials hence there is no question of tampering with the evidence. Therefore, keeping in view *peculiar* facts of instant case; continuous detention of applicant for more than seven months as well *minimum* punishment, which *normally* may be considered while dealing with bail plea, I am of the view that scale tilts in favour of the applicant for grant of bail as no *useful* purpose is likely to be served with further detention of applicant pending determination of her guilt.

6. Keeping in view the above given circumstances, *prima facie*, applicant has succeeded to bring her case within the purview of subsection 2 of section 497 Cr.P.C, for this reason, she is admitted to post arrest bail subject to her furnishing solvent surety in the sum of Rs.50,000/- and P.R Bond in the like amount to the satisfaction of trial Court.

J U D G E

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