

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-21837 of 2016

.....

Date of decision:29.7.2016

Sunita

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Akshay Jain, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.132 dated 10.12.2015 registered for the offences under Sections 21-C and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Roru, District Sirsa.

Notice of motion to Advocate General, Haryana.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of respondent-State and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Haryana appearing for the respondent-State and

have gone through the record.

As per the FIR, on checking out of one plastic bag 65 bottles of Rexcof 100 ml. each Cough Syrup and out of the second plastic bag 265 bottles of Rexcof 100 ml. each Cough Syrup i.e. total 330 Rexcof bottles were recovered from the house of the petitioner.

Learned counsel for the petitioner argued that the present petitioner has been implicated in a false case as the husband of the petitioner was having enmity against SI/SHO Jagdish Chand of Police Station Rori, against whom he got conducted sting operation. This is the defence of the present petitioner which will be seen by the trial Court on the basis of evidence.

As per the prosecution version, at this stage, a heavy quantity of Rexcof bottles have been recovered from the house of the present petitioner. This recovery falls in commercial quantity. At this stage, it cannot be held that the petitioner has been falsely implicated and the whole prosecution version is planted or false. Therefore, bar of Section 37 of the NDPS Act will apply in this case and the petitioner is not entitled to the benefit of bail.

Therefore, in view of the above discussion, I do not find any merit in this petition and the same is dismissed.

July 29, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No