

CRM-M-42385-2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-42385-2016

Date of Decision: 05.12.2016

Nirmala Devi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.S.Toor, Advocate,
for the petitioner.

Ms. Shivali, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner, Nirmala Devi has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.133 dated 01.09.2014, registered at Police Station Division No.4, Ludhiana, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act').

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record. Police record is also available.

Learned counsel for the petitioner argued that earlier, the petitioner was arrested on 01.09.2014 and was released on interim bail

CRM-M-42385-2016

on 16.09.2015. After the receipt of report of FSL, she was again arrested on 01.06.2016.

As per the case of prosecution, recovery of 100 grams of Diphenoxylate Hydrochloride has been effected. Admittedly, the aforesaid recovery falls in commercial quantity. Section 37 of the NDPS Act bars the benefit of bail to the accused in case of commercial quantity.

Keeping in view the facts and circumstances of the present and in view of the fact that recovery effected in the present case falls in commercial quantity, I do not find it a fit case where the petitioner is entitled for the benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

However, as the petitioner is a lady and has also undergone substantial period during trial, therefore, trial Court is directed to expedite the trial by giving short adjournments or by adjourning the case on day to day basis, if necessary, and conclude it preferably within three months. Investigating Officer and Station House Officer of the concerned police station are also directed to produce all the remaining prosecution witnesses for examination before learned trial Court preferably on the next two dates. A strict compliance of this order be made.

05.12.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No