

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

CRM-M No.6853 of 2016

Date of decision: 22nd March, 2016

Manjoora Devi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gurinder S. Hayer, Advocate
for the petitioner.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Manjoora Devi in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.63 dated 09.05.2015 registered at Police Station City Sri Muktsar Sahib under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'the Act'), are that on 09.05.2015 police accosted the petitioner leading to recovery of 1 kg of Charas.

The contentions of learned counsel for the petitioner that she is a lady above 62 years of age and that she is in custody since 09.05.2015 and that the trial is not likely to be expedited and being non-commercial quantity, entitles her to bail, have been opposed by the learned State counsel Mr.Gurveer Sidhu, Asstt. Advocate General, Punjab arguing that in view of the quantity of the recovered contraband, the petitioner is not entitled to grant of bail.

Going through the submissions, the definition assigned to 'commercial quantity' makes it sufficiently clear as in terms of Section 2(viia) of the Act ensures that for such a quantity to fall under the definition of 'commercial quantity' it needs to be greater than the quantity specified by the Notification in the official gazette issued by the Central Government. Under the head 'small quantity and commercial quantity' shows 1 kg of Charas to be under the head of 'commercial quantity' and therefore, in terms of Section 2(viia) of the Act certainly, only the quantity greater than 1 kg of Charas falls under the definition of 'commercial quantity'.

The petitioner as per the contentions is not facing any other similar allegations/case nor has been convicted for similar offence and being a woman of advanced age together with the fact that trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, she is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Sri Muktsar Sahib.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 22, 2016

rps