

215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17006 of 2017
Date of Decision: 18.05.2017

Balwant Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. P.S. Ghuman, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner is an accused of offences under Sections
22/61/85 of the NDPS Act.

105 grams of intoxicant powder was allegedly
recovered from petitioner which on chemical analyses was
detected to be containing Alprazolam. Alprazolam is covered as
per serial No.30 of the Schedule appended to NDPS Act. The
same is also covered as per Schedule (H) of the Drugs and
Cosmetics Act, 1940.

Learned counsel for the petitioner by making reference
to **Rachhpal Singh @ Goldi Vs. State of Punjab** decided on
15.02.2017 in **CRM-M No.34998 of 2016** submits that the issue

is debatable as to the applicability of both the Acts. Secondly, learned counsel submits that the alleged recovery is marginally above than the quantity meant for commercial quantity. Learned counsel also relies upon **Baljinder Singh @ Bindi Vs. State of Punjab** decided on 01.04.2015 in **CRM-M No.7311 of 2015** and **Gurlal and others Vs. State of Punjab, 2003 (3) Criminal 198.**

On the other hand, learned State counsel places reliance upon Union of India and others Vs. **Sanjeev V. Deshpande, 2014(4) RCR (Criminal) 75** to contend that the case is hit by rigor of Section 37 of the Act.

Having considered the aforesaid submissions, at this stage, since the alleged recovery is marginally above than the prescribed limit of commercial quantity and without making any observations on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 18, 2017.

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No