

CRM-M-23873-2017

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

CRM-M-23873-2017

Date of Decision: 03.08.2017

Bimla Devi @ Bimbo

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Sarika Gupta, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Bimla Devi @ Bimbo has filed this second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.152 dated 29.12.2015, registered at Police Station Mehtiana, District Hoshiarpur, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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 gone through the record. Police file is also available.

From the record, I find that 260 grams of intoxicant powder containing 'Diacetylnorphine Salt' has been recovered from the present petitioner. The aforesaid recovery is marginally higher than the commercial quantity. I have gone through the police file. Though, it is

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stated that the intoxicant powder was weighed with the digital scale, but nothing has been mentioned as to how the powder was weighed. The powder was found in a plastic envelope, but nothing is there regarding the size or weight of the plastic envelope. Nothing is mentioned in the police file as to whether the powder was taken out from the envelope and then weighed or it was weighed alongwith the envelope. If the powder was weighed alongwith the envelope, then there is every chance that the aforesaid quantity may fall in non-commercial category.

Moreover, the petitioner is not required for any investigation or interrogation purposes as she is in judicial custody. The trial of the case will take long time. Therefore, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case at this stage, the instant criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

03.08.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No