

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

CRM-M-24822 of 2017.

Decided on:-December 13, 2017.

Shweta alias Satya.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. J.S. Gill, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.636 dated 27.08.2016 under Sections 21-B and 22-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station City Sirsa, District Sirsa. The earlier petition filed by petitioner along with co-accused Vishal alias Sheru was dismissed as withdrawn vide order dated April 27, 2017 passed by this Court in ***CRM-M-11646 of 2017*** titled as ***Vishal @ Sheru and another Versus State of Haryana.***

The aforesaid FIR was registered against the petitioner and other co-accused when SI Raja Ram along with other police officials was on

patrolling and checking of suspicious/bad persons at T-point HUDA Chowk, Barnala Road, near Police Line, Sirsa. In the meantime, a car was noticed coming from Sector 20, HUDA Colony, Sirsa side. On seeing the police party, the driver tried to turn back his vehicle. However, the vehicle switched off. On suspicion, the police party apprehended and enquired the name and address of the accused, who told his name as Vishal son of Ramesh Kumar. A girl, who was sitting on the rear seat, told her name as Shweta daughter of Malkiat Singh Chauhan (petitioner herein).

Having applied the provisions of Section 50 of the NDPS Act, the car was searched. However, the accused were made aware that if they want search of the car to be conducted before some senior officer/Magistrate, such officer can be called at the spot. However, the accused had shown faith in the police party and marked their signatures on the notice memo. On search of the car, two plastic bags of yellow colour were recovered from the back seat of the car. When these bags were opened, bottles of Corex Cough Syrup 100 ML each were found. On counting, it was found that 200 bottles were lying in one bag bearing lot No.620-130400. Similarly, in the second bag bearing lot No.620-130410, 200 bottles were lying. In this manner, total 400 bottles were recovered. The matter was discussed with DCO, who told that he was on leave and asked the police party to get a report from the Government Hospital. Accordingly, a written request was submitted to Dr. Harjinder Kamboj, Medical Officer to give a report regarding the recovered bottles. The doctor had opined that the contraband falls under the NDPS Act.

Learned counsel for the petitioner has argued that though the petitioner was arrested from the spot, but she was just sitting on the side seat of the car, whereas the alleged contraband was recovered from rear seat of the car and was kept in two plastic bags. Therefore, the petitioner was not in possession of the contraband and is innocent. She has falsely been involved in the case despite the fact that she has not committed any offence as alleged in the FIR. He has further contended that no independent witness was associated when the alleged recovery was effected.

On the other hand, learned State counsel has argued that the said contraband was recovered from the conscious possession of the petitioner along with other co-accused Vishal alias Sheru, whose prayer for bail has been declined by this Court vide order dated 12.12.2017 passed in **CRR No.3574 of 2017** titled as **Vishal alias Sheru Versus State of Haryana**. He has also produced the copy of FSL report dated 25.04.2017 to substantiate his plea that the recovered contraband falls under the NDPS Act. The same is taken on record.

I have heard learned counsel for the parties.

Considering the seriousness of nature of offence allegedly committed by the petitioner, whose case is similar to that of co-accused Vishal alias Sheru, whose bail has also been declined by this Court vide order dated 12.12.2017 passed in **CRR No.3574 of 2017** coupled with the fact that the FSL report in the case has been received, wherein it has been found that the recovered contraband is Corex Cough Syrup and falls under the NDPS

Act, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

December 13, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No