

CRM-M-31746 of 2017

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

CRM-M-31746 of 2017
Date of Decision: 05.09.2017

Manjit Kaur alias Bholi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Simsi Dhir Malhotra, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner Manjit Kaur in case FIR No.77 dated 23.06.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'the Act') registered at Police Station Garshankar, District Hoshiarpur.

Learned counsel for the petitioner contends that there are violations of Sections 42 and 52-A of the Act as the sampling of the alleged narcotic was not done in the presence of the Magistrate. The story introduced by the prosecution that the driver of the vehicle, after taking out the glazed envelop, handed over to the petitioner, who is none other than the mother of the co-accused. Learned counsel relies upon the judgment of the Hon'ble Supreme Court in ***Union of India v. Mohanlal and another, 2016 (1) RCR (Criminal) 859.***

Heard.

Considering over-all facts and circumstances, petitioner does not

deserve the concession of anticipatory bail. Narcotic substance falling

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under the category of “commercial quantity” has been recovered from the petitioner in which minimum punishment is 10 years under the Act. Reliance of learned counsel for the petitioner on the judgment of Hon'ble Supreme Court in ***Mohanlal's*** case (supra) is mis-conceived as the prayer in the instant case has been made for grant of anticipatory bail.

Dismissed.

September 05, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No