

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36390 of 2017
Date of Decision: 04.10.2017

Jeet Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. C.L. Verma, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.66 dated 05.04.2017 registered for offences punishable under Sections 15 and 25 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jagraon, District Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that the petitioner was arrested in this case on 17.08.2017 for offence punishable under Section 25 of the NDPS Act on the allegation that Raj Kumar and Rano Bai were apprehended by the police on 05.04.2017 and recovery of 54 kgs. of poppy-husk was effected from the rear seat of car, which was being driven

by Raj Kumar.

Petitioner is owner of car in which contraband was being transported. She was, however, not in car when recovery of contraband was effected.

The question which will call for consideration in this case is as to whether the petitioner was aware of the contraband being carried in her car? Provisions of Section 37 of NDPS Act are not attracted to offence committed under Section 25 of NDPS Act.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jeet Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

October 04, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No