

Crl. Misc. No. M-12388 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-12388 of 2018

DATE OF DECISION:10.05.2018

Charanjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Karan Garg, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Charanjit Kaur in case FIR No. 176 dated 29.12.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Phul, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, no offence is made out against her. Learned counsel further contends that the petitioner is not habitual offender as she is not involved in any other case of similar nature. The alleged recovery does not fall under the category of manufactured drug and provisions of NDPS Act are not attracted. Learned counsel also contends that the petitioner is in custody for the last more than six months

and recovery has already been effected. At the end, learned counsel for the petitioner contends that even as per allegations, the recovery is 800 tablets of Alprazolam and the same is marginally more than the non-commercial quantity.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the recovery comes to 101 miligrams, which falls under the commercial quantity and petitioner is not entitled for bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents on the file.

In view of the submissions made by learned counsel for the petitioner and the fact that the alleged recovery i.e. 101 miligrams of intoxicant power (Alprazolam), which is marginally higher than the commercial quantity; the petitioner is in custody for the last more than six months and the trial will take long time to conclude, the present petition is allowed. Petitioner-Charanjit Kaur is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda.

May 10, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes