

Crl. Misc. No. M-13755 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-13755 of 2018

DATE OF DECISION:14.08.2018

Simitra Pradhan

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Anureet Singh Sidhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Simitra Pradhan in case FIR No. 4 dated 12.1.2018 registered under Section 20/61/85 of NDPS Act at Police Station GRPS, Patiala, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been found in possession of 40 kgs of ganja, which is marginally more than the commercial quantity. The place of occurrence was thorough fare but no independent witness was joined during personal search of the petitioner. The petitioner was arrested on 12.1.2018 and since then he is in custody. Challan has already been presented and charges have also been framed but no witness has been examined so far. Learned counsel also

submits that no other case under NDPS Act is pending against the petitioner.

Learned State counsel on instructions from ASI Inderjeet Singh has not disputed the custody period, recovery and the fact that no other case under NDPS Act is pending against the petitioner.

By considering the submissions made by learned counsel for the petitioner and the facts that the recovery effected from the petitioner is marginally more than the commercial quantity; she is in custody for the last more than seven months; no other case under NDPS Act is pending against her; all the witnesses are official witnesses and there is no possibility that she may influence the witnesses or tamper with the evidence, the present petition is allowed. Petitioner-Simitra Pradhan is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court.

However, in case the petitioner is found to be involved in any other case under NDPS Act, the State is at liberty to move an application for cancellation of bail.

August 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No