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

CRM-M No.14424 of 2018
Date of Decision: 20.04.2018

Ranjit Kaur @ Rani

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner is accused of offence under Sections 22, 61, 85 of the NDPS Act in case bearing FIR No.222 dated 14.09.2017 registered at Police Station Sangat, District Bathinda.

2. The prosecution story started with the allegation that when the motorcycle driven by co-accused Mandeep Singh @ Deepa was signaled to be stopped by the police party, the same was driven away by the driver. The petitioner was sitting as pillion rider on the said motorcycle. It was suspected that the motorcyclist was carrying some contraband in an envelope which was placed at the fuel tank of the motorcycle. The motorcycle was chased. The motorcyclist slowed down his speed of

motorcycle and turned the same on kacha passage. The pillion rider i.e. the petitioner jumped from the motorcycle. The motorcyclist threw away the plastic envelope which was kept at the fuel tank. Narcotic bottles and tablets present in the envelope were scattered on the ground.

3. Petitioner was apprehended whereas the motorcyclist succeeded in running away. On being asked, the lady disclosed her name as Ranjit Kaur @ Rani i.e. the petitioner. The motorcyclist came to be known as Mandeep Singh @ Deepa. The total material which was found at the spot was containing 11 bottles of ONEREX having batch No.OES-1107 and OES-1092 and 11 strips of CARISOMA having batch No.CAR-7006. One bottle of ONEREX was found containing 10 mg of Codeine Phosphate per 5 ml. On computation, the total weight of ONEREX was found to be 1100 ml. i.e. 1.21 kg. as per report of Drug Inspector.

4. Codeine Phosphate was detected. The ingredients of the tablets do not fall under the schedule of NDPS Act. Codeine Phosphate finds mention at Serial No.28 of the Schedule and the quantity upto 1 kg. is non-commercial quantity.

5. Learned counsel for the petitioner submitted that since the recovered contraband was marginally above than the quantity prescribed for commercial quantity, therefore, ratio of

Shinda vs State of Punjab, 2013(3) RCR (Criminal) 557 and
Lakhwinder Singh @ Bittu vs State of Punjab, 2012(22) RCR
(Criminal) 301 can be applied.

6. Co-accused namely Mandeep Singh @ Deepa has already been granted regular bail vide order dated 14.02.2018 in CRM-M No.5063 of 2018.

7. Looking to the aforesaid admitted position, the arguments raised by learned State counsel cannot be appreciated for declining regular bail to the petitioner.

8. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

20.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No