

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 247 of 2018 (O&M)

Date of decision : 22.5.2018

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Shushma

.....Petitioner

vs.

State of U.T., Chandigarh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Sumit Jain, Advocate for UT, Chandigarh

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Shushma, an accused in FIR No.323 dated 6.8.2017 for an offence under Section 22 of the NDPS Act, registered at Police Station Sector 39, U.T. Chandigarh.

Briefly stated, facts of the case as per prosecution story are that on 6.8.2017 at about 10.00 P.M. near Gurdwara of Sector 38 (W) Chandigarh, accused-petitioner was found in possession of 20 injections of Buprenorphine IP Omegesic, 2 ml each and 20 injections of Pheniramine Maleates IP for Im/Stow IV use, 10 ml each, without any licence or permit, amounting to commercial quantity. She was arrested in this case. She had moved an application for grant of regular bail in the Court below, but the same was dismissed by Judge, Special Court, Chandigarh, vide order dated 14.11.2017, as such she

has approached this Court for grant of similar relief, which prayer is being opposed by the counsel for U.T., Chandigarh.

I have heard, learned counsel for the petitioner, learned counsel for U.T., Chandigarh, besides going through the record.

Learned counsel for the petitioner has raised various contentions to the effect that petitioner is innocent and has been wrongly involved in this case. Several mandatory provisions were not followed, while apprehending the accused, as such she is entitled to the grant of bail. In support of this contention, learned counsel for the petitioner has referred to judgment of the Apex Court titled as **Arif Khan @ Agha Khan vs. State of Uttarakhand**, passed in Criminal Appeal No. 273 of 2007 decided on 27.4.2018.

Such contentions are opposed by the learned counsel for U.T., Chandigarh.

I on my part feel that considering the heavy quantity of recovery effected amounting to commercial quantity, no case for grant of bail is made out, in view of bar of Section 37 of the NDPS Act.

As regards, the allegations with regard to false implication of the petitioner and several mandatory provisions of NDPS Act not being followed, those things would be seen during the trial. At this stage this Court is not required to go much deep into the merits of the case.

The authority referred to by the learned counsel for the petitioner does not come to the rescue of the petitioner since observations were made on merits of the case, while hearing appeal of

the accused against his conviction by the trial Court, whereas the only thing to be seen at this stage in the present case is whether the petitioner is entitled to grant of bail or not.

I do not find it a fit case to grant the benefit of regular bail.

Dismissed.

22.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No