

CRM-M-26870 of 2018

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

CRM-M-26870 of 2018
Date of Decision: 04.07.2018

Charanjeet Kaur @ Bhappo

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner Charanjeet Kaur @ Bhappo in a case arising from FIR No.24 dated 16.04.2018 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Malout, District Sri Muktsar Sahib.

According to the prosecution, on 16.04.2018 petitioner was apprehended with 15 kgs of poppy husk, which falls under non-commercial quantity.

Learned State counsel has vehemently opposed the bail application on the ground that the petitioner is a habitual offender. Instant case is fourth one against her. In one case under the NDPS Act, she has been convicted and in another she is facing trial. That apart, in one case she has been acquitted.

Considering overall circumstances and the fact that the petitioner was carrying 15 kgs of poppy husk, which falls under the non-commercial quantity and is in custody since 16.04.2018, for around three months, but

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without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on her furnishing bail bonds of ₹2.00 lakh and two sound sureties, to the satisfaction of Trial Court/Duty Magistrate concerned. However, in case, the petitioner, in future, is found involved in any case under the NDPS Act, in that eventuality, this order shall stand automatically cancelled and the trial Court shall take her into custody. Proceedings under Section 446 Cr.P.C. shall also be carried out independently against her and against her sureties by the Special Court in accordance with law.

July 04, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No