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Date of decision: July 11, 2018

....Petitioner

Versus

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.320 dated 29.10.2017 registered for the offences punishable under Sections 18/21/22/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

Learned State counsel has submitted that recovery of 50 gms Alprazolam falls within non-commercial quantity. Petitioner is in custody since 29th October, 2017.

Learned counsel for the petitioner submitted that petitioner is the mother of three kids and nobody is to look after them.

In this case only 50 gms powder was recovered which later on found to be heavy contents of Alprazolam which is psychotropic substance but said recovery falls within non-commercial quantity of contraband, therefore provisions under Section 37 of NDPS Act is not applicable.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Babli wife of Ramesh Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel her bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

July 11, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No