

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.09.19 17:55
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CRM-M-30070-2018 (O&M)

Date of decision:19.09.2018

Gogi Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Gopal Singh Nahel, Advocate for
Mr. B.S.Jatana, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.18 dated 23.03.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station Joga, District Mansa.

Learned counsel for the petitioner contends that even if the recovery made from the petitioner is taken to be correct, still it turns out to be less than even the small quantity. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to contend that it is only the quantity of prohibited substance which can be taken into consideration and not the entire recovered mixture/material. It is further contended that the petitioner is in custody since 23.03.2018 and she is not required for any investigation purpose. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Gurnaib Singh, submits that huge quantity of 1200 tablets containing Alprazolam has been recovered from the petitioner. There are two more

cases against the petitioner. However, it is not denied that as per FSL report, the quantity of Alprazolam of in the tablets is 0.475 mg per tablet.

In view the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

19.09.2018
Hemlata

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