

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

**CRM-M No. 3526 of 2018**

**DATE OF DECISION :- March 27, 2018**

**Sonia**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

**Present:-** Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

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This petition for regular bail has been filed by petitioner Sonia, an accused in F.I.R. No. 108 dated 10.10.2017 for offence under Sections 21, 29, 61, 85 of the NDPS Act registered with Police Station Chohla Sahib, District Tarn Taran.

Briefly stated the facts of the case as per the prosecution story are that on 10.10.2017, a police party led by S.I. Sukhraj Singh intercepted a coloured Figo Car bearing registration No. PB-57B-7796 being driven by Lakhwinder Singh and Sonia being one of the occupants. Lakhwinder Singh on being searched was found to carry 390 grams of heroin. Petitioner was found to carry 50 grams of heroin. The 3<sup>rd</sup> occupant was also carrying that much quantity of heroin i.e. 50 grams. In total three of them were carrying 490 grams of heroin.

They were arrested in this case. An application for regular bail was filed by the petitioner which was dismissed by Additional Sessions Judge, Tarn Taran vide order dated 4.12.2017, as such she has approached

this Court seeking similar relief which is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has stated that recovery said to have been effected from the petitioner i.e. 50 grams of heroin amounts to non commercial quantity and the prosecution is wrongly clubbing the recovery effected from all the three occupants of the Car. Therefore, bar of Section 37 of the NDPS Act is not there. Accordingly, regular bail be granted to the petitioner.

In support of his contention he has referred to citations Amar Singh Ramjibhai Barot versus State of Gujarat 2005(3) Apex (Criminal) 326 and Sorabkhan Gandhkhan Pathan and another versus State of Gujarat 2006(2) Apex (Criminal) 214.

Whereas, learned State counsel has contended that since all three of them were travelling in the same Car carrying contraband, which itself goes to show that they were aware of the contraband being carried by each other and element of conspiracy was there for carriage of the contraband, therefore, Section 37 of NDPS Act is attracted. No bail can be granted to the petitioner and the authorities referred to are not applicable.

After hearing the rival contentions, I find that the recovery of contraband effected from all the three accused who were travelling in the same vehicle is suggestive of the fact that they were doing so in conspiracy with each other for the purpose of drug trafficking. This is a matter of trial as to whether the quantity of contraband attributed to each accused is to be taken individually or collectively but as the things stand, it would be proper

and appropriate to take it collectively. Even otherwise, if it is taken into individually, the petitioner acting as a drug peddler playing with the lives of the youth of the State does not deserve to be granted bail.

The fact cannot be lost sight of that menace of the drug addiction is spreading its tentacles at a fast pace among the youth of the area. The authorities referred to by the learned counsel for the petitioner do not help him in any manner due to different facts and circumstances and the context in which such observations had been made. Therefore, the petition stands dismissed.

**(H.S. MADAAN)**  
**JUDGE**

**March 27, 2018**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No