

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

CRM-M-34398-2017

Date of decision:-26.4.2018

Lachhmi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Ashok Giri, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Lachhmi – an accused in FIR No.31 dated 28.3.2017, under Section 22 of NDPS Act, registered at Police Station Mehatpur, District Jalandhar.

Briefly stated, the facts of the case as per prosecution story are that on 28.3.2017, a police party from Police Station Mehatpur was travelling in a private vehicle in connection with checking and detection of bad elements besides doing patrolling and when the police party reached village Gosuwal, then accused Lachhmi was spotted coming from the opposite direction carrying a polythene bag of black colour in her hand; on seeing the police party, she became nervous and abruptly turned

back. She was apprehended on the basis of suspicion by the police party. The polythene bag being carried by the accused was searched as per law and it was found to contain intoxicating powder weighing 140 gms. Sample was drawn therefrom. Ruqa was sent to the police station for registration of the FIR. The petitioner was accordingly arrested in this case. The petitioner had filed application for regular bail in the Court of Sessions, which was declined by learned Judge, Special Court, Jalandhar vide order dated 18.8.2017, as such, she has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The recovered contraband amounts to commercial quantity attracting provisions of Section 37 of the NDPS Act, which reads as under:

Offences to be cognizable and non-bailable.—(1)

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to

oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(iii)(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

The drug trafficking is rising at an alarming rate in this region, especially in the State of Punjab, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

Therefore, finding no merit in the petition, the same stands dismissed.

26.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No