

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

CRM-M-42899-2018 (O&M)

Date of Decision:- 3.10.2018

Amandeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamalpreet Bawa, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Amandeep Kaur has filed this petition seeking grant of regular bail in respect of a case registered against her vide FIR No.63 dated 19.6.2018 under Section 22 of NDPS Act, Police Station Bhadaur, Barnala.

It is the case of the prosecution that while the police party was patrolling in the area of Bus Stand, Bhadaur, then a secret information was received to the effect that Amandeep Kaur was into sale of intoxicant tablets and that she keeps a huge quantity of intoxicant tablets in her house and in case a raid is conducted, she can be apprehended red-handed. Pursuant to the aforesaid information, a raid was conducted and 750 tablets of

‘Tramadol’ were recovered total weighing 739.2 grams which falls within the category of “commercial quantity”.

Notice of this petition was issued to the State.

Learned counsel for the petitioner has submitted that in the present case recovery was effected after 7.45 P.M. and that since the recovery was effected from the house of the petitioner after sunset, it was expected from the police party to obtain some authorization or search warrant especially since the police party did have the prior information about the alleged possession of contraband. The learned counsel has further submitted that in any case the petitioner being a lady and having one year old minor daughter deserves the concession of bail.

On the other hand learned State counsel has submitted that since the recovery falls within the category of “commercial quantity”, therefore, minor irregularity, if any, as regards compliance of Section 42 Cr.P.C. for not having obtained prior authorization for conducting the search after sunset would not be fatal to the case of the prosecution and that no case is made out for grant of bail.

I have considered the rival submissions addressed before this Court. The learned State counsel has not disputed the fact that search was conducted after sunset and that no authorization/warrant for search had been obtained. Without expressing any opinion regarding the merits of the case and bearing in mind that the petitioner is a lady having one year old daughter and also that the petitioner is not stated to be involved in any other identical case, a lenient view is called for. The petition, as such, is accepted. Petitioner Amandeep Kaur is ordered to be released on bail on her furnishing

bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

October 3, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No