

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

CRM-M No. 42301 of 2017

DATE OF DECISION :- January 17, 2018

Bholi

...Petitioner

Versus

The State of Punjab

...Respondent

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

Present:- Mr. Charanpreet Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This petition for regular bail has been filed by petitioner Bholi, an accused in F.I.R. No. 209 dated 18.10.2016 for offence under Section 21 of NDPS Act, 1985 registered with Police station Tanda, District Hoshiarpur on the allegations that on 18.10.2016, a police party from police station Tanda apprehended accused in the area of Khakha Road turning, Chandigarh Colony, Tanda and recovered of 500 gms of heroin. She was arrested in this case and after completion of investigation and other formalities, challan against the accused has since been filed in the Court where she is facing trial by Judge Special Court, Hoshiarpur. She had moved an application for regular bail before Judge, Special Court, Hoshiarpur but the same was declined vide order dated 20.2.2017, as such she has approached this Court praying for grant of similar relief. The petition is resisted 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 contended that as per prosecution story, the police party was on private vehicles which shows a doubt on its authenticity. This contention does not make much difference while considering the request for grant of bail in light of facts and circumstances, of the case.

Admittedly the recovery of contraband involved amounts to commercial quantity attracting the provisions of Section 37 of the NDPS Act, 1985 which provides that when the public prosecutor is opposing the petition for bail, unless the Court is satisfied that there are reasonable grounds for believing that petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail, concession of bail cannot be granted to the petitioner. Therefore, I do not see any reason to record such satisfaction.

Keeping in view the amount of recovery involved and other facts and circumstances besides bar of Section 37 of NDPS Act, the petition is dismissed accordingly. However, while parting with the discussion, the trial Court is directed to conclude the trial expeditiously by giving short adjournments preferably within a period of six months from the date of receipt of copy of this order in the Court.

(H.S. MADAAN)
JUDGE

January 17, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No