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Date of decision:10.10.2018

Ranjit Kaur @ Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. B.S.Bhalla, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, 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.13 dated 14.01.2018 under Sections 22 of NDPS Act, registered at Police Station City South Moga, District Moga.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is of 260 grams of intoxicating powder containing Alprazolam. Counsel further contends that as per FSL report, the contents of prohibited substance, the Alprazolam is found only 0.13% in the said powder. Accordingly, the quantity of prohibited substance recovered from the petitioner is much less than the commercial 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 14.01.2018 and there is no other case against the petitioner.

Challan has already been filed and charges have been framed. 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 Dinesh Kumar, submits that recovery from the petitioner is of 260 grams of intoxicating powder, therefore, the recovery is of commercial quantity. However, learned State counsel has not been able to rebut the fact regarding the custody of the petitioner and the fact that there is no other case against the petitioner.

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 her furnishing bail bonds/surety to the satisfaction of the Trial Court.

(RAJBIR SEHRAWAT)
JUDGE

10.10.2018
Hemlata

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