

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-45687-2018

Date of Decision:23.10.2018

Amarjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.135 dated 18.07.2018 under Section 21 of the NDPS Act, registered at Police Station City Samana, District Patiala.

Learned counsel has argued that the allegation against the petitioner is that 55 kgs. 400 gms. of poppy seeds and poppy husk were recovered from the possession of the petitioner. However, ratio of the aforesaid contraband has not been elaborated in the FIR. He further states that poppy husk seeds do not fall under the NDPS Act. Even otherwise, petitioner is in custody since 18.07.2018 and there is no other case against the petitioner under the NDPS Act.

Learned State Counsel on instructions from SI Nishan Singh does not dispute the custody period of the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 18.07.2018 and in the absence of any material on record so as to establish the ratio of recovery viz-a-viz poppy seeds and poppy husk, which is otherwise a matter to be established during trial, I deem it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act or theft, the prosecution would be at liberty to seek cancellation of her bail.

October 23, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No