

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

CRM-M-7673-2018

Date of decision:-17.4.2018

Manpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.K.S. Sidhu, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Manpreet Kaur – an accused in FIR No.251 dated 4.11.2017, under Section 22 of NDPS Act, registered at Police Station Lambi, District Sri Muktsar Sahib.

Briefly stated, the facts of the case as per prosecution story are that on 4.11.2017, a police party from Police Station Lambi while travelling in an official vehicle was on a look out of suspicious persons in connection with anti drug campaign; when it had reached near house of Jasvir Singh son of Mahal Singh, resident of village Punjwala then at village Kakhawali, a man and a woman were observed trying to hide

something by putting it in a gunny bag in the brinjal plants in the corner of their house; on seeing the police party, the man, who was identified as Jasvir Singh climbed the stairs and managed to run away, whereas the woman present was apprehended and on being inquired, she disclosed her name as Manpreet Kaur wife of Jasvir Singh (present petitioner); the gunny bag, which had been concealed by Jasvir Singh and his wife Manpreet Kaur was found to contain intoxicating tablets i.e. ALTIS-0.5 mg (ALPRAZOLAM) Batch Number TATS-1602 total 1050 (70x15) and TAB TREESR (DICYCLOMINE HCI) Batch No.: TER-101 total 700 strips each strip containing 10/10 tablets total 7000 (thousand) tablets. The petitioner was accordingly arrested in this case. Her husband Jasvir Singh was also arrested during the course of investigation and both of them were sent up to face trial. The petitioner had filed applications for regular bail in the Court of Sessions, which were declined by learned Judge, Special Court, Sri Muktsar Sahib vide orders dated 6.12.2017 and 11.1.2018, 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.

According to the counsel for the petitioner husband of the petitioner is working as a village doctor and he had stored such medicines with him. This argument seems to be unconvincing on the face of it. A rustic villager practising as a doctor and storing drugs without any authorization cannot be accepted. The petitioner was arrested from the

spot while she along with her husband was trying to conceal the intoxicant tablets placed in a gunny bag amongst the plants in their house. 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.

17.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No