

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14375-2019 (O&M)

Date of Decision:- 10.5.2019

(1) Sheelo ... Petitioner

Versus

State of Punjab ... Respondent

CRM-M-14949-2019 (O&M)

(2) Moni and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner in CRM-M-14375-2019.

Mr. Naveen Sharma, Advocate,
for the petitioner in CRM-M-14949-2019.

Mr. Randhir Singh Thind, DAG, Punjab

GURVINDER SINGH GILL, J. (Oral)

This order shall dispose of the above mentioned two petitions filed on behalf of the petitioners seeking grant of regular bail in case registered vide FIR No.257 dated 4.11.2018 under Section 22, 27-A and 29 of NDPS Act registered at Police Station Moti Nagar, District Ludhiana.

As per the FIR, the police received secret information to the effect that Salim, Sheelo, Babita and Moni indulged in sale of 'Heroin' and after bringing the same, sell the same in their colony and that in case a raid is conducted they could be caught red handed. Pursuant to receipt of aforesaid

information, a raid was conducted by the police at the house of the petitioners who are members of the same family and as per the case of the prosecution, one clean shaven man and three women were found sitting on the floor and were conversing with each other and were counting money and putting the same in a black coloured polythene bag and were also having another green coloured polythene bag lying in the middle. It is alleged that upon noticing the police party, the clean-shaven man picked up the bags lying in the middle and pushed the same underneath a bed. It is further the case of prosecution that the accused were apprehended and the bags pushed underneath the bed were recovered and while one of the bag was found to be containing ₹ 2,78,730/-, the other bag was found to contain 330 grams of 'Heroin'.

The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case by the police in their zeal to show that they have registered a large number of cases pertaining to recovery of drugs and that in fact on 4.11.2018 as many as 12 identical cases were registered bearing FIR No.257 to FIR No. 264 at the same police Station apart from other cases. The learned counsel have referred to copies of 8 such FIRs annexed with their petitions, indicating similar versions of recovery of contraband.

Opposing the petition, the learned State counsel has submitted that since the petitioners have specifically been named in the FIR and apart from the recovery of the contraband, the recovery of the proceeds of the sale of drugs were also recovered, no case for grant of bail is made out. It is, however, not disputed that on 4.11.2018 as many as 12 identical FIRs were

lodged in the same Police Station. The learned State counsel has further informed that although challan has been presented but not even a single prosecution witness out of the cited 13 PWs has been examined. It has further been informed that none of the petitioners is involved in any other case.

Having considered the rival submissions addressed before this Court and while noticing the peculiar facts of the case especially that the conscious possession of the petitioners would be a debatable issue and also that the petitioners are ladies and are not stated to be involved in any other case earlier, a lenient view is taken and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

10.5.2019
kamal

(Gurvinder Singh Gill)
Judge

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