

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

**CRM-M No.52225 of 2019 (O&M)
Decided on: 13.12.2019**

Toshi and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Naveen Bawa, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.266 dated 04.11.2018, registered under Sections 22, 27-A, 29 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Moti Nagar, District Ludhiana.

Counsel for the petitioners, at the very outset, submits that he may be permitted to withdraw this petition qua petitioner No.1 – Toshi, at this stage.

Ordered accordingly.

Counsel for the petitioners on behalf of petitioner No.2 – Meenu has argued that as per the allegations in the FIR, 03 ladies namely Sunita and Meenu and Toshi are involved in the business of selling narcotics. Upon this, the FIR was registered and thereafter, a raid was conducted in which the police has recovered 260 gms of

intoxicant powder from an iron cot lying in the house. It is further argued that from the personal search of petitioner No.2 – Meenu, nothing was recovered and since petitioner No.2 is not the owner of the house, therefore, it will be a debatable issue to be decided during the course of trial as to whether petitioner No.2 was found in conscious possession of the contraband or not.

Counsel for the State, on instructions from HC Bua Singh, has not disputed the factual position but opposed the prayer for bail of petitioner No.2. It is further submitted that the owner of the house is petitioner No.1 – Toshi, whose bail has already been withdrawn.

Without commenting anything on merits of the case, considering the fact that the petitioner No.2 is not involved in any other case; challan stands presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner No.2 namely Meenu is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of petitioner No.2, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.12.2019
yakub

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