

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

CRM-M-2676-2020 (O&M)

Date of Decision:- 3.3.2020

Maphiue

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Ruhani Chadha, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,  
assisted by ASI Sukhwinder Singh.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against her vide FIR No.1, dated 4.1.2019, under Sections 21/29 of NDPS Act & Section 14 of the Foreigner Act at Police Station Maqsudan, District Jalandhar Rural.
2. It is the case of prosecution that on 4.1.2019 when a police party was conducting checking of vehicles on the GT road then a swift car bearing registration No.PB-01-N-0240 was stopped. There were four occupants in the said car who upon inquiry disclosed their names as

Amir Ali, Maphiue, Chauthatgpuii and Ohasugo. The car in question was being driven by Amir Ali and by whose side petitioner-Maphiue was sitting. Upon search of the vehicle and the occupants, the two persons sitting on the rear seat namely Chauthatgpuii and Ohasugo were found in possession of 1 kg. 'Heroin' each.

3. Learned counsel for the petitioner has submitted that she was merely sitting in front passenger seat by the side of driver of the vehicle in question and she cannot be attributed conscious possession of the contraband recovered from the two persons sitting on the rear seat especially when there is nothing to show regarding relationship of the petitioner with the said rear occupants.
4. Opposing the petition, learned State counsel has submitted the petitioner was apprehended at the spot, no case for grant of bail is made out. However, the learned State counsel has informed that the petitioner has been behind bars since last more than 1 year and that she is not wanted in any other case.
5. I have considered rival submissions addressed before this Court. Without commenting on merits of the case and while keeping in view that the petitioner has already suffered incarceration for more than 1 year and also the fact that it would be debatable as to whether conscious possession of contraband can be attributed to the petitioner, given the fact that the recovery was effected from rear occupants of the vehicle, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.

6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**March 3, 2020**

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**(GURVINDER SINGH GILL)  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No