

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

CRM-M-9265-2019 (O&M)
Date of Decision:-30.10.2020

Amro @ Nikki ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.N.Ganeriwala, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner namely Amro @ Nikki seeks grant of regular bail in a case registered against her vide FIR No.549 dated 22.12.2018 under Section 22 of NDPS Act at Police Station City Barnala, District Barnala.
2. The case of the prosecution is that on 22.12.2018 when the police party headed by ASI Satwinder Pal Singh was present near Civil Hospital, Barnala, then at about 6:45 p.m. a lady was seen coming carrying a plastic bag in her right hand and who upon noticing the police vehicle got perplexed and tried to turn back. The said lady was, however, nabbed on the basis of suspicion and upon inquiry, she disclosed her name as Amro @ Nikki. The said lady was extended an offer in terms of Section 50 of NDPS Act and given an option to get her search effected in the presence of some Magistrate or Gazetted Officer but she reposed confidence in the ASI. Upon a search of the plastic bag carried by the petitioner, 1200 tablets of

‘ALPRASAFE’ were recovered for which she could not furnish any justification.

3. The learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that she is not involved in any other case under NDPS Act and as such, deserves the concession of bail, particularly since she has been behind bars since the last more than 1 year and 9 months.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner was caught red handed while in possession of a commercial quantity of contraband, no case for grant of bail is made out. The learned State counsel has further informed that the petitioner had earlier been involved in two cases under Excise Act and although she stands acquitted in one such case but the other case is still pending.
5. I have considered rival submissions addressed before this Court.
6. The petitioner was found in possession of 1200 tablets of ‘ALPRASAFE’, the total quantity of which works out 146.85 Grams which would fall in the category of commercial quantity of contraband. In these circumstances, the fetters imposed by Section 37 of the NDPS Act would get attracted. There is nothing on record at this stage to show that the petitioner did not commit any offence or that in case released on bail, she would not indulge in any such offence again. As such, this Court does not find any ground for grant of bail.
7. The petition is sans merit and is hereby dismissed.

30.10.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No