

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

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**CRM-M No. 14685 of 2020
Date of decision : 10.06.2020**

Kamla @ Leelu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr.K.L.Saini, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for respondent-State.

ARUN KUMAR TYAGI,J. (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 65 dated 08.02.2020 registered under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kaithal City, District Kaithal.

The petitioner has been charge-sheeted by the police on the allegations that on search conducted in the course of raid on the house of the petitioner on the basis of secret information 8.40 grams of heroin was recovered from the purse of the petitioner.

The petitioner who is in custody since 08.02.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel. However, no reply has been filed by the State.

I have heard learned Counsel for the petitioner and learned

State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. No independent witness was joined at the time of recovery. Mandatory provisions of the NDPS Act were not complied with. Recovery of non-commercial quantity of heroin was made from possession of the petitioner. Section 37(1)(b) of the NDPS Act is not applicable. The petitioner was convicted earlier but her sentence has been suspended. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody.

On the other hand learned State Counsel has submitted that the petitioner was found in conscious possession of the narcotic substance. The petitioner, who is a previous convict, and her family members are habitual offenders. Her husband and brother of her husband are also facing trial in cases under the NDPS Act. In view of the nature of accusation the petitioner does not deserve grant of regular bail.

Keeping in view the facts and circumstances of the case, recovery of non-commercial quantity of 8.40 grams of heroin, non-applicability of Section 37(1)(b) of the NDPS Act, period of custody of the petitioner and also the fact that trial is likely to take long time but without commenting on merits, I am of the considered view that the concession of regular bail may be extended to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial

Magistrate/Duty Magistrate concerned subject to the condition that the petitioner will not commit any offence under the NDPS Act in future and in case of commission of any offence of similar nature by the petitioner in future, her bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

10.06.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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