

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-16152-2020 (O&M)**
Date of Decision: 18.12.2020

Kanta

...Petitioner

Versus

Narcotics Control Bureau

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Angel Sharma, Advocate, for the petitioner.

Mr. Sanjay Vashisth, Senior Panel Counsel, for the respondent.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered under Crime No.49 dated 18.12.2018 at NCB, Zonal Unit, Chandigarh, under Sections 8, 20, 27-A, 29 of NDPS Act.
2. The case of prosecution in nutshell is that Anil Kumar and Joginder were apprehended by the police and were found in possession of 16.5 kgs. of Charas. During the course of interrogation, it was disclosed by them that said consignment was to be delivered in Delhi to one Raj Kumar, who was to further deliver the same in Goa. The aforesaid Raj Kumar was also arrested later and from whose possession 80 grams of Charas was recovered. It is further the case of prosecution that during the course of interrogation of co-accused Anil Kumar, he disclosed

that the recovered contraband i.e. 16.5 kgs. of Charas had been supplied to them by the petitioner i.e. Kanta.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that no recovery whatsoever was ever effected from her and it is solely on the basis of disclosure statement, she sought to be involved.
4. Opposing the petition, the learned State counsel has submitted that it is a case where the petitioner happens to be involved in one more case under NDPS Act in Himachal Pradesh. It has further been submitted that apart from the disclosure statement, it had surfaced during interrogation on the basis of call details that the petitioner was regularly in touch with Anil Kumar and Joginder on the date of recovery and even on the day before the recovery was effected, which would necessarily show her complicity in the matter in hand. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 4 months and that as on date not even a single PW out of the cited 25 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that no recovery whatsoever was ever effected from the petitioner and that she has been nominated as an accused on the basis of disclosure statement made by co-accused Anil Kumar, the veracity and admissibility of which would be debatable. It is also not in dispute that the petitioner has not been convicted in any other case though she happens to be involved in one more case under NDPS Act. Another co-accused Raj Kumar

who was also nominated on the basis of disclosure statement and from whom 80 grams of Charas has also been recovered, has already been granted bail by this Court vide order dated 09.01.2020.

7. Having regard to the aforestated factual position and while keeping in view that the petitioner is a lady and has not ever been convicted earlier, the petition 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.

18.12.2020
Vimal

(GURVINDER SINGH GILL)
JUDGE

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