

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

CRM-M-18783 of 2020 (O&M)

Date of decision: July 31, 2020

Smt. Suman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Jitender Kumar, DAG, Haryana.

Ashok Kumar Verma, J.

Case taken up through Video Conferencing.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the NDPS Act”) at Police Station Ganaur, District Sonapat, vide FIR No.11 dated 06.01.2020.

Learned counsel for the petitioner submits that the alleged recovery has been planted upon the petitioner. Further no public witness was joined by the prosecution at the time of alleged recovery. The petitioner, who is a household lady, is in custody since 06.01.2020. He further submits that the petitioner is alleged to have been apprehended with

'Ganja leaves'. No other case is registered against her. The co-accused namely, Gulab has already been granted interim bail by the coordinate bench (Amol Rattan, J.), vide order dated June 15, 2020 passed in CRM-M-15162 of 2020. He points out to Section 2 (iii) (b) of the NDPS Act, 1985, the relevant part of which, pertaining to 'Ganja', reads as follows:-

“Section 2:- *In this Act, unless the context otherwise requires:-*

xxx xxx xxx xxx

(iii) *“cannabis (hemp)” means:-*

xxx xxx xxx xxx

(b) ganja, that is, the flowering of fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever, name they may be known or designated; and”

xxx xxx xxx xxx”

He thus, submits that in any case no offence under the provisions of the NDPS Act is made out.

On the other hand, learned State counsel submits that the petitioner was actually apprehended at the spot and the petition deserves to be dismissed.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

In view of facts and circumstances of the case as well as by considering the period of custody undergone by the petitioner and also the fact that all witnesses are official witnesses and there is no possibility that

petitioner may influence them or tamper with the evidence, the present petition is allowed and petitioner Suman is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the concerned trial court/Ilaqa Magistrate.

(ASHOK KUMAR VERMA)
JUDGE

July 31, 2020
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No