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

CRM-M-5670-2020

Date of Decision: 29.10.2021

Savitri

..... Petitioner

Versus

Union Territory, Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Yashwant Singh Rathore, Addl. P.P. U.T., Chandigarh.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed on behalf of the petitioner for regular bail under Section 439 Cr.P.C. in case FIR No.0412 dated 13.11.2019, under Section 22 of NDPS Act, registered at Police Station Sector-39, Chandigarh.

2. The petitioner has remained in detention for almost two years, as per the Status Report filed by the State.

3. Ld. Counsel for the petitioner has drawn attention of the Court to the decision of a Division Bench of this Court in “Saleem Mohd. Vs. State of Punjab”, 2015(25) R.C.R.(Criminal) 816, wherein it was observed, inter alia:-

“6. The petitioner relies upon Rule 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985 to contend that even without any medical prescription, 100 doses of such like Psychotropic substance could be retained by him.

7. Having heard learned counsel for the parties and taking into consideration the total custody period of the petitioner; his past antecedents and the legal submission based upon Rule 66 ibid but without expressing any final opinion in relation thereto, we are satisfied that no useful purpose shall be served by keeping the petitioner behind the bars and as such he deserves to be granted the concession of regular bail.”

4. In the present case, the contention in this regard is that the alleged recovery from the petitioner so far as it relates to contraband happens to be 14 injections of Buprenorphine, 2 ML each, which is much less than the quantity specified in the aforesaid judgment.

5. The petitioner is a woman and there is no record of her involvement in any other case of NDPS Act.

6. In this view of the matter and relying upon the aforesaid decision of the Division Bench, at this stage the present petition is allowed and the petitioner, namely Savitri, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

29.10.2021

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No