

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

CRM-M-10736-2021 (O&M)

Date of Decision:- 26.3.2021

Manpreet Kaur

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Charanjit Singh, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Ramniwas.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.447, dated 30.12.2020, Police Station City Mandi Dabwali, District Sirsa, under Section 22(c) of NDPS Act.
2. As per case of the prosecution, on 30.12.2020, when a police party headed by ASI Rajbir Singh was present at bus stand of village Shergarh, then two women were noticed who were carrying plastic bags in their hands. The said two women were apprehended on the basis of suspicion, who disclosed their names as Manpreet Kaur and Gurpreet Kaur and upon search of plastic bag carried by them, Manpreet Kaur was found to be carrying 490 tablets of 'Tramadol

Hydrochloride’ whereas co-accused Gurpreet Kaur was found to be carrying 980 tablets of ‘Tramadol Hydrochloride’.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that even if the entire weight of 490 tablets recovered from the petitioner is taken into account, still the same would fall in the category of non-commercial quantity.
4. Opposing the petition, learned State counsel has not disputed the fact that the tablets recovered from the polythene bag carried by the petitioner would constitute non-commercial quantity, but it has been submitted that the petitioner and the co-accused were both carrying as many as 1470 tablets which would constitute a ‘commercial quantity’ and that petitioner cannot feign ignorance about the contraband carried by the co-accused. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 months and that she is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It will certainly be debatable as to whether the petitioner can be attributed conscious possession of the contraband being carried by the co-accused. In case the contraband of 490 tablets carried by the petitioner only is taken into account, the same would fall in the category of non-commercial quantity. The petitioner is not stated to be involved in any other case and has been behind bars since the last about 3 months. In these circumstances further detention of the petitioner who is a lady will not serve any useful purpose. The

petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 26, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No