

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

CRM-M-10553-2021 (O&M)
Date of Decision:-10.3.2021

Kaki ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harwinder Singh.

(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 vide FIR No.06 dated 10.1.2021 at Police Station Sadar Malout, District Shri Muktsar Sahib under Sections 15-B and 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of prosecution, 3 persons riding an auto rickshaw, were found in possession of contraband. While one Jagsir Singh was found in possession of 4 kgs. of “*poppy husk*”, a lady namely Pal Kaur was found in possession of 50 grams of ‘*heroin*’ and the petitioner Kaki was found in possession of 15 grams of ‘*heroin*’.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that, in any case, the recovery allegedly effected from the petitioner falls in the category of 'non-commercial' quantity and, as such, the petitioner is entitled to grant of bail.
4. Opposing the petition, the learned State counsel has submitted that since 3 accused were caught together and all of them were found in possession of contraband, it is apparent that they were into drug trafficking. It has further been submitted that the petitioner happens to be involved in 3 other cases registered under NDPS Act and, as such, she does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the fact that the petitioner is a lady and was found in possession of contraband, the quantity of which would fall in 'non-commercial' quantity i.e. 15 grams of 'heroin' and while noticing that the challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, 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.

10.3.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No