

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

CRM-M-21534 of 2021 (O&M)

DECIDED ON: 22nd JULY, 2021

Bano

.....PETITIONER

VERSUS

State of UT Chandigarh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ashish Aggarwal, Advocate for petitioner.

Mr. Abhinav Gupta, APP UT Chandigarh.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in case of FIR No. 45 dated 4.4.2021, under Section 21 of NDPS Act, 1985, registered at Police Station West, Sector 11, Chandigarh.

The police party during routine patrolling on 4.4.2021 checked Bano (petitioner) and transparent polythene bag was found from her in which 9 grams of smack was recovered.

Learned counsel for the petitioner submits that the recovery from the petitioner is of non-commercial quantity. Smack was for her personal use. No further recovery is to be effected.

Learned counsel for UT Chandigarh on instructions from SI Malkiat Singh submits that there are 14 more cases involving petitioner. She has been acquitted in six cases, in seven cases was convicted and in one case she is under trial. He submits that challan stands presented on 1.6.2021.

Recovery from the petitioner was of non-commercial quantity. Investigation is complete and challan stands presented. Conclusion of trial is likely to take time. In earlier cases, the recovery was of non-commercial quantity. Considering the facts and circumstances of the case in totality, the petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22nd JULY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>