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

**CRM-M No.27453 of 2019(O&M)
Date of Decision: 24.09.2021**

Balbir Kaur @ Bibi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Amrinder Kaur, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.33 dated 17.04.2019 registered under Sections 22, 61 of the NDPS Act at Police Station Phul, Bathinda.

As per prosecution story, the petitioner was apprehended when she became perplexed on seeing the police party and threw the plastic bag, which she was holding in his right hand. She was apprehended on suspicion. 900 tablets of Tramadol and 480 tablets of Alprazolam were recovered from the petitioner.

Bail was declined to the petitioner on the basis of nature of quantity of contraband recovered from her.

Learned counsel for the petitioner submits that the petitioner was arrested on 17.04.2019 and since then, she is in custody. She is not involved in any other criminal case. Learned counsel further relies upon **CRM-M No.11445 of 2020** titled **Nikka Ram @ Nikka Vs. State of Punjab** decided on 11.08.2020, **CRM-M No.33171 of 2019** titled **Manjeet Singh @ Baggar Vs. State of Punjab** decided on 13.08.2020 and **CRM-M No.1009 of 2020** titled **Mandeep Singh Vs. State of Punjab** decided on 20.01.2020 and contended that in case of clean antecedent of the petitioner, long custody itself is a *prima facie* ground to grant concession of regular bail, particularly in the situation arising out of COVID-19, where possibility of culmination of the trial in near future is very bleak. Out of total 11 prosecution witnesses, only 4 witnesses have been examined so far. The trial of the case would definitely take some time in its culmination. Petitioner is a lady and is in custody from last 2 years, 5 months and 5 days as on 23.09.2021 and is not involved in any other case.

Learned State counsel, however, opposed the bail on the ground that the recovered contraband is commercial in nature.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody from last 2 years 5 months and 5 days without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

24.09.2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No