

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

CRM-M-35555-2021

Date of Decision : 24.11.2021

Babli Goyal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ravi Malhotra, Advocate
for the Petitioner.

Mr. R.S. Khaira, AAG, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.161, dated 08.07.2018, registered under Sections 22/61 of the NDPS Act, 1985, at Police Station Meharban, District Ludhiana.

2. The Petitioner has remained in detention for more than seven months since 22.04.2021.

3. She was apparently declared a Proclaimed Person in the present case by Ld. JMIC, Ludhiana on 16.04.2021.

4. It may be mentioned that no recovery was ever effected from the Petitioner in the present case. However, her complicity has transpired from the Disclosure Statement of a co-accused namely Ashish Kumar, from whom 20 grams of Intoxicating (Tramadol Hydrochloride) Powder was

allegedly recovered. Such recovery itself falls under the non-commercial quantity.

5. The Petitioner is reported to be involved in four other cases under the NDPS Act. But a careful consideration of the Custody Certificate filed on behalf of the State, goes to show that the Petitioner is already on bail in three of those cases, while she is in custody in FIR No.65 dated 16.04.2021 which coincidentally happens to be the very same date on which she was declared a Proclaimed Person.

6. In the circumstances, considering the above facts and also in special view of the fact that no recovery was ever effected from the Petitioner herself in the present case and Challan against her has already been presented after completion of investigation, at this stage, she is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Disposed off.

November 24, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No