

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

**CRM-M No. 3352 of 2022 (O&M)
Date of Decision: 02.02.2022**

Manjit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C. seeks grant of regular bail in case FIR No. 71 of 07.11.2021, which was registered against her, at Police Station Talwandi Bhai, District Ferozepur, constituting therein offence(s) under Sections 21, 29, 61 and 85 of the NDPS Act.

2. The bail applicant / petitioner is stated to be suffering judicial incarceration since 07.11.2021.

3. The learned State Counsel, has, on instructions, meted to him by ASI Amarjeet Singh, Investigating Officer (IO), made a submission, that the weight of heroin, as, became, allegedly recovered from the conscious, and, exclusive possession of the bail applicant / petitioner, is about 180 grams. He further submits that the weight (supra) of heroin, is an intermediate quantity thereof.

4. Even though, with respect to the afore made recovery, the

provisions of Section 37 of NDPS Act, are not applicable, and, though hence this

Court would be constrained to accord the indulgence of bail, to the bail applicant.

5. However, the learned State Counsel submits, that since the bail applicant is a habitual offender, in committing offences, under the NDPS Act, thereupon, this Court may not grant any indulgence of bail to the petitioner.

6. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as her making an undertaking before the learned trial Court, that she shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to her shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to arrest her, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon her.

7. Consequently, with condition (*supra*) the instant petition, is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on hers furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to hers not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also hers appearing before the trial Court concerned, as and when she is required to be making his personal appearance, unless exempted for valid reasons.

February 02, 2022

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(SURESHWAR THAKUR)

JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>