

CRM-M-8059 of 2022

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

CRM-M-8059 of 2022
Date of decision: 27.10.2022

Sukhwinder Kaur @ Jaswinder Kaur

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. Amarjot Kaur, Advocate,
for Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate filed in Court today is taken on record.

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in case FIR No.136 dated 26.09.2021 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badhni Kalan, District Moga.

According to the prosecution, on 26.09.2021, 63 strips of tablets Tramadol 100 mg each strip containing 10 tablets (total 630 tablets), which fall under “commercial quantity” were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has

CRM-M-8059 of 2022

been falsely implicated in this case. Nothing incriminating was recovered from the person of the petitioner and the alleged recovery has been planted upon her. Petitioner, who was arrested on 26.09.2021 was granted concession of interim bail vide order dated 01.11.2021 by the Judge, Special Court, Moga. Conclusion of trial may take a long time. Therefore, petitioner may be granted the relief of regular bail.

Per contra, learned State counsel opposed the petition for grant of regular bail to the petitioner.

I have heard learned counsel for the petitioner as well as the learned State counsel and perused the paperbook.

An exceptionally heavy recovery of contraband has been made from the petitioner. She has not given any explanation for the commercial quantity of contraband that has been recovered from her possession. Bar as laid down under Section 37 of the NDPS Act is clearly attracted. Power to grant bail under Section 439 of the Code is subject to the conditions laid down in Section 37 of the NDPS Act, which commences with non-obstante clause. The Court is required to see as to whether there are any reasonable grounds to believe that the accused has not committed the offence and whether he is likely to commit any offence while on bail. This Court is satisfied that these conditions are not satisfied. Moreover, petitioner is involved in one more case under the NDPS Act.

Keeping in view the totality of the facts and circumstances, the huge quantity of prohibited substance recovered from the petitioner, stringent provision of Section 37 as well as the fact that the trial is

CRM-M-8059 of 2022

progressing, this Court does not deem it fit to grant regular bail to the petitioner.

Petition is dismissed.

October 27, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No