IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14485-2022
Date of Decision: 2.8.2022

Ajni Devi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Puri, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

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KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0011 dated 2.2.2022 registered for the offences punishable under Sections 20, 61 of NDPS Act at Police Station Ghanaur, District Patiala.

Counsel for the petitioner contends that only 9.930 kg of *ganja* was recovered from the bag which was stated to be thrown by the petitioner and the said contraband comes under non-commercial quantity and as such rigors of Section 37 of NDPS Act are not applicable to the present case. He further contends that the petitioner is behind bars for the last about 6 months and that charges are yet to be framed and thereafter, it will take considerable time for the trial to conclude. So, prayer is made to grant regular bail to the petitioner.

State counsel on instructions from SI Gurpreet singh has not disputed the fact that 9.930 KG of *ganja* was recovered from the possession

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I attest to the accuracy and
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of the petitioner. She further submits that another 10 kg and 180 grams of *ganja* was recovered from co-accused Sachin Kumar. Even custody period has not been disputed by the State counsel as well as the fact that the aforesaid contraband i.e. 9.930 KG of *ganja* recovered from the possession of the petitioner comes under non-commercial quantity.

Counsel for the petitioner and State counsel have apprised the Court that co-accused Sachin Kumar has already been granted concession of regular bail on the ground that he was juvenile. Recovery being of non-commercial quantity of contraband, embargo provided under Section 37 of NDPS Act is not attracted to the case in hand. The petitioner is in custody for the last about 6 months and it will take time for the trial to conclude, after framing of charges. As per custody certificate, the petitioner is having no criminal history. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 2, 2022
Paritosh Kumar

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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