

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

230

CRM-M-31010 of 2022 (O&M)

DECIDED ON:25th July, 2022

Amandeep Kaur

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Anmol Puri, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.45 dated 4.5.2022, under Section 15 of NDPS Act, registered at Police Station Julkan, District Patiala.

As per the case set up, on 4.5.2022 police party saw three ladies carrying plastic bags on their head, on seeing the police party all the three of them threw the bags and tried to flee. They were apprehended and from each bag, 25 kgs of Poppy Husk was recovered.

Learned counsel for the petitioner submits that it is a case of false implication. He further submits that as per recovery memo 25 kg of Poppy husk was recovered from the petitioner i.e. non-commercial quantity. Petitioner is not involved in any other case.

Learned State counsel opposes the prayer and submits that all the three accused were from the same family, total recovery was 75 kgs and it is commercial.

Without commenting upon the merits of the case, considering that it would be a debatable issue as to whether the entire recovery is to be attributed to all the three accused when as per recovery memo the bag carried by the petitioner was having 25 kgs of Poppy husk, considering that investigation and conclusion of trial is likely to take time, the petitioner has no criminal antecedents, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

25th July, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>