

CRM-M-34193 of 2022

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

CRM-M-34193 of 2022
Date of Decision: 28.09.2022

Zubeda

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Akash Sheoran, 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.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.42 dated 04.04.2022 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station G.R.P. Ludhiana, District Govt. Railway Police, Ludhiana, Punjab.

Brief facts of the case are that on 04.04.2022 in the area of PS GRP, SI Palwinder Singh along with other police officials was present on platform No.1 of railway station, Ludhiana and the police noticed the accused holding one bag in her right hand. On suspicion she was apprehended and after procedural investigation, 2 kgs of opium was recovered from the petitioner without any permit or license.

CRM-M-34193 of 2022

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this present case. Nothing has been recovered from the possession of the petitioner. Challan has been presented in the Court and charges have been framed on 02.07.2022 and no prosecution witness has been examined as yet. Alleged recovery falls under the category of “non-commercial quantity”. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 04.04.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that alleged recovery of 2 kg of opium from the petitioner is an intermediate quantity and she is not involved in any other case under the NDPS Act but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Zubeda is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

It is made clear that in case during bail petitioner is found

CRM-M-34193 of 2022

involved in any other case, State will be at liberty to move application for cancellation of her bail.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

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