

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

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CRM-M-38297-2021 (O&M)

Date of Decision: 09.09.2022

Ritu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. Vinod Ghai, Advocate General, Punjab assisted by
Mr. Luvinder Sofat, DAG, Punjab; Ms. Swati Batra, DAG,
Punjab & Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.155 dated 20.06.2021 under Section 22 of the NDPS Act at Police Station City Nawanshahr, District SBS Nagar.
2. The case of the prosecution is that on 20.06.2021, when a police party headed by ASI Jaswinder Singh was going towards Kalra Mohalla Nawanshahr from Mehndipur in connection with patrolling, it noticed a lady coming on foot from Kalra Mohalla, who upon seeing the police party threw a white coloured polythene carried by her in right hand. Upon getting suspicious, the police party nabbed the said lady. Upon enquiry, the said lady disclosed her name as Ritu. Upon checking the white coloured polythene thrown by her, 12 injections of Buprenorphine IP (Leegesic) measuring 2 ml each and 12 injections of Avil measuring 10 ml each were recovered.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that the petitioner, who is a lady, having already undergone substantial period of about 1 year & 2 months deserves the concession of bail.
4. Today, in compliance of the previous order, Ms. Rajni Rohilla, Scientific Officer, Regional Testing FSL, Ludhiana, is present in Court and has filed a short reply, which is taken on record.
5. Learned State counsel upon instructions from Ms. Rajni Rohilla has informed that the ingredients of the contraband recovered in the present case were indeed 'Tramadol' and that apparently the contraband was not manufactured by any authorized manufacturer, but is a spurious drug, which is being misused as contraband. It has been informed that there are some spelling mistakes in description of drug on the label affixed on recovered ampules, which also indicates that contraband had been procured from some spurious drugs manufacturer. It has been informed that the total contraband recovered from 12 ampule containing 2 ml each, would be 24 grams, which would fall within the category of 'intermediate' quantity. It has also been informed that the petitioner has been behind bars since the last about 1 year & 2 months and that she is involved in 6 other cases registered for offences under the NDPS Act and apparently is a habitual offender.
6. This Court has considered the rival submissions.
7. Though it does appear that the petitioner has been repeatedly indulging in offences under the NDPS Act, but having regard to the fact that it is a case of recovery of 'intermediate' quantity of contraband and also that the

petitioner is a lady, who has been behind bars for a substantial period of about 1 year & 2 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It shall be open to the prosecution to move for cancellation of bail in case the petitioner is found indulging in similar kind of offences under the NDPS Act in future.
9. The presence of Dr. Rajni Rohilla is also dispensed with.

09.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**