

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

CRM-M-38780-2022
Date of Decision:-**12.09.2022**

NISHA DEVI	Versus	... Petitioner
STATE OF HARYANA		... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. K.L. Saini, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.493 dated 11.5.2022 registered under Section 21-B NDPS Act at Police Station Barwala District Hisar.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and arrested on 11.5.2022 and since then he is behind the bars. The counsel further submits that as per the allegations on the record 82.40 grams of Heroin was recovered from the possession of the petitioner by the police. The counsel for the petitioner further submits that the police has already presented the challan but it will take considerable time for conclusion of trial even after framing of charges, so prayer is made for grant of regular bail.

The instant petition is resisted by the State counsel, who on instructions from SI Ashok has not refuted the fact that the present case which is involving of 82.40 grams of Heroin is covered under non-commercial quantity as per the provisions of NDPS Act and that the petitioner is in custody since last 4 months and is not having any criminal antecedents.

I have considered the submissions made by counsel for the parties.

In the light of the above as the present case is covered under the non-commercial quantity of contraband, embargo provided under Section 37 of NDPS Act is not applicable in the present case. After completion of investigation, challan has been presented, but charges are yet to be framed and it will take considerable time for the trial to terminate after its commencement and the petitioner is having no commercial history, so no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

12.09.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No