

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

208

**CRM-M-39961-2022(O&M)
Date of decision: 08.09.2022**

MANJEET KAUR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

PANKAJ JAIN, J. (oral)

This petition is filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case F.I.R. No.166 dated 9.07.2022 [wrongly mentioned F.I.R. date as 10.07.2022 in the order passed by the Sessions Court (Annexure P-2)] registered under Sections 15, 21, 22 and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short-the NDPS, Act) at Police Station Sri Muktsar Sahib, Distt. Sri Muktsar Sahib.

Custody certificate dated 07.09.2022 by way of affidavit of PPS, Superintendent, Women Jail, Bathinda on behalf of the State has been filed. The same is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 1 month and 25 days.

Learned counsel for the petitioner submits that as per the allegations levelled against the petitioner, recovery of 3kg poppy husk is alleged to have been made which is far less than the commercial quantity and the rigors of Section 37 of the NDPS, Act will not be applicable.

Learned State counsel would submits that from the co-accused huge recovery has been made and thus, it would not be a case for grant of regular bail.

Learned State counsel, is not in position to dispute the fact that so far as, the petitioner is concerned, independent recovery of 3 kg of poppy husk is alleged against her, which is far less than the commercial quantity and thus, rigors of Section 37 of the NDPS will not be applicable. It is also not disputed that there is no other case pending against the petitioner.

Consequently, the present petition is allowed and petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. trial Court/Duty Magistrate, concerned.

(PANKAJ JAIN)
JUDGE

September 08, 2022

Jyoti-IV

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