

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

214

CRM-M-40975-2022
Date of decision : 13.09.2022

Veerpal Kaur

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

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.142 dated 25.07.2022 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Kotbhai, District Sri Muktsar Sahib to which Section 27 of the NDPS Act was added later on.

Brief facts of the case are that on 25.07.2022 the police party headed by ASI Harjit Singh was on patrolling duty. When the police party reached near village Bhullar, they saw a Toyota Corolla car bearing registration No.DL-04CNE-4181 standing in a vacant land. One lady (the petitioner) and three young man were standing near the vehicle. On seeing the police party, they tried to run away. The police apprehended them and on search 01 kg. 750 grams of opium and drug money of Rs.1,77,400/- were recovered from their possession.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The alleged recovery was made from the co-accused and nothing was recovered from the conscious possession of the petitioner. Even otherwise the alleged recovery effected from the petitioner falls under the category of non-commercial quantity. The mandatory provisions of the NDPS act were not complied in the present case. The petitioner was in custody since 25.07.2022. She is not involved in any other case. 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.

Learned State counsel has opposes the present petition on the ground that the petitioner and her co-accused was arrested for having kept in their possession 01 kg. 750 grams of opium without any licence or permit and drug money of Rs.1,77,400/-. However, learned State counsel conceded the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that she is not involved in any other case, the contraband recovered falls under the category of non-commercial quantity and and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Veerpal Kaur is ordered to be released on regular bail subject to furnishing her bail/surety bonds to the

satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if she is found involved in any other criminal activity during the period of bail.

13.09.2022

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(ASHOK KUMAR VERMA)
JUDGE

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