

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41002 of 2022 (O&M)
Date of decision : 13.09.2022

Ravina

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.504 dated 18.07.2022 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Rohtak, Haryana.

Learned counsel for the petitioner submits that it is a case wherein recovery of 10 gms of heroin has been alleged against the petitioner. It has been alleged that the petitioner was carrying the recovered contraband in white polythene. While relying upon decision of a Coordinate Bench in **CRM-M-8026-2020** titled as '**Lakhwinder Singh @ Lakha Vs. State of Punjab**' and in **CRM-M-8035-2020** titled as '**Mandir Singh Vs. State of Punjab**', he submits that it is highly improbable that a person who indulges in drugs would carry the same in

a white transparent polythene bag and that too in hand. He further submits that it is case of recovery of 10 gms heroin which is less than the commercial quantity and thus, rigors as enumerated under Section 37 of the NDPS Act will not come in the way of this Court while granting the aid of bail.

Learned State counsel while opposing the prayer made by the counsel for the petitioner, submits that it is a case involving heroin. He further submits that she is a habitual proclaimed offender as there are two more cases pending against the petitioner. However, he is not in a position to dispute the fact that in all the cases the recovery is less than commercial quantity and the petitioner is on bail in those cases.

I have heard learned counsel for the parties.

The recovery effected in the present case is less than commercial quantity. The petitioner is a lady of 30 years of age. Without commenting on the merits of the case and keeping in view the quantity involved, the present petition is allowed. The petitioner is ordered to be released on bail, if not required in any other case, on her furnishing bail/surety bonds subject to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

13.09.2022

ps-I

Whether speaking/reasoned
Whether Reportable :

(PANKAJ JAIN)
JUDGE

Yes
No