

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44110-2020 (O&M)
Date of Decision:-30.11.2022

Bholi Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab,
assisted by ASI Gurmeet Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0271, dated 10.11.2019, Police Station Lambi, District Sri Muktsar Sahib, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein the allegations are broadly to the effect that the petitioner was found in possession of 850 intoxicant tablets containing '*tramadol hydrochloride*'.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has further been submitted that the petitioner as on date has been behind bars for the last more than 3 years and that as on date only 4 PWs out of the cited 14 PWs have been examined and since the

trial is proceeding at snail's pace, the petitioner deserves the concession of regular bail.

3. Opposing the petition, learned State counsel has submitted that since it is a case, wherein the petitioner was caught red-handed while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 years. Learned State counsel has further informed that as on date only 4 PWs out of the cited 14 PWs have been examined. Learned State counsel has also submitted that though the custody certificate does not indicate that the petitioner is involved in any other case, but he has been informed by ASI Gurmeet Singh that infact the petitioner stands involved in one more case under NDPS Act.
4. This Court has considered the rival submissions.
5. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon'ble Supreme Court in this regard wherein Hon'ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months

Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years

6. Keeping in view the totality of the facts and circumstances of the case, particularly long custody of the petitioner and also that conclusion of trial is likely to consume time inasmuch as only 4 PWs out of the cited 14 PWs have been examined so far, the petition merits acceptance and is hereby accepted.
7. The petition, as such, is allowed 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 is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

30.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No