

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

223

**CRM-M-47795-2022
Date of Decision:-23.11.2022**

Parwati

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM:HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ajit Sihag, Advocate for
Mr. B.S. Beniwal, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case having FIR No.0168 dated 13.07.2022, registered under Sections 15(B), 18(B), 61, 85 of NDPS Act, 1985 at Police Station Sadar Tohana, District Fatehbad.

The counsel for the petitioners inter-alia contends that the petitioner is a lady aged about 60 years and is having no criminal antecedents and is behind the bars for last more than 4 months and only allegations against her are that the police recovered 282 grams opium and 9 kilo 240 gram poppy husk from her residence on 13.07.2022. The counsel for the petitioner further submits that after the completion of investigation the police has presented the challan and as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

The present petition is contested by the State counsel who produced the custody certificate, as per which the custody of the petitioner comes out to be more than 4 months.

The State counsel on instructions from SI Ajmer Singh has not refuted the fact that 282 gram opium and 9 kilo 240 gram poppy husk and Rs.24,000/- were recovered from the house of the petitioner by the Police on the basis of the secret information. The State counsel apprised the Court that the petitioner is having no criminal history and the police has presented the challan on conclusion of investigation but charges are yet to be framed.

Admittedly, the aforesaid contraband comes under non-commercial quantity and thus embargo provided under Section 37 NDPS, Act is not applicable to be instant case. Further, after completion of the investigation the police has presented the challan and the petitioner is in custody of the last more than 4 months and it will take considerable time from the trial to conclude.

In view of the above, no purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.11.2022
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(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No