

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

CRM-M-53785-2022 (O&M)

Date of Decision: 24.11.2022

NISHA RANI

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Ferry Sofat, Addl. AG, Punjab.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 177 dated 29.09.2022, under Sections 21(b), 27(a) of NDPS Act, registered at Police Station Dinanagar District Gurdaspur.

As per allegations levelled in the FIR, the petitioner has been found in possession of 25 grams of Heroin and Rs. 15,000/- as drug money.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner. He submits that the contraband recovered falls under the 'non-commercial' category, therefore, she be released on regular bail. He submits that no other case is pending against the petitioner.

On the other hand, learned State counsel opposed the prayer made and submitted that the contraband as well as the drug money was recovered from the physical possession of the petitioner. However, he does not dispute that the contraband recovered falls under the category of 'non-commercial' quantity.

After hearing learned counsel for the parties, this Court is of the

opinion that as the recovered quantity falls within 'non-commercial' quantity, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not temper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse her liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
9. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she

shall furnish a specific affidavit in this regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

24.11.2022
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No