

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

**CRM-M No. 48648 of 2019  
Date of Decision: 30.03.2022**

Charanjit Kaur

..... Petitioner

**Versus**

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Vikas Arora, Advocate,  
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

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**SURESHWAR THAKUR, J. (ORAL)**

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 0162 of 15.10.2019, which was registered against him, at Police Station City 1 Sangrur, District Sangrur, constituting therein an offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is alleged, that from the conscious and exclusive possession of the petitioner, 6 kgs. of poppy husk became recovered, at the crime site, by the Investigating Officer concerned. The weight of the afore recovered narcotic drug, makes it fall within the ambit of less than commercial quantity thereof. Therefore, the rigors of Section 37 of NDPS Act, are not hence applicable thereons, rather this Court is constrained to accept the prayer of the bail applicant.

3. Moreover, since the bail petitioner is facing judicial incarceration since 15.10.2019, thereupon, the afore prolonged judicial incarceration is required to be curtailed, especially for facilitating her

personal liberty being protected.

4. However, the learned State Counsel opposes the bail of the bail applicant on the ground that the bail applicant is a habitual offender.

5. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as hers making an undertaking before the learned trial Court, that she shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to her shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest her, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

6. Consequently, with condition (*supra*), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on her furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to her not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also her appearing before the trial Court concerned, as and when she is required to be making her personal appearance unless validly exempted.

**March 30, 2022**  
'*dk kamra*'

**( SURESHWAR THAKUR )**  
**JUDGE**

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|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |