

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-6932-2023
Date of Decision.:15.05.2023

Usha
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Bhupinder Kaur Bhangu, Advocate
for the petitioner.

Mr. Gurpreet Singh Shergill, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.282 dated 12.12.2022 registered under Section 22(b)/61/85 of the Narcotic Drugs and Psychotropic Substance Act registered at Police Station City Kapurthala, District Kapurthala.

2. As per the prosecution allegations, 120 loose intoxicating tablets were found from the possession of the petitioner. Sample was sent to FSL for necessary analysis.
3. It is submitted in reply filed by respondent-State that as per FSL report, Alprazolam Salt was found and the average weight of the tablet was 124 mg/per tablet and that recovery from the petitioner falls under the non-commercial category.
4. Learned State counsel does not dispute the aforesaid factual

position.

5. Custody certificate reveals that petitioner is in custody for the last 5 months and 1 day with no criminal antecedents.
6. Considering the fact that recovery from the petitioner falls in non-commercial category, Section 37 of the NDPS Act is not applicable. Trial may take long time to conclude. Without commenting anything on the merits of the case, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

May 15, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No