

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

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CRM-M-26195-2023

Date of Decision: July 17, 2023

Vidya Devi

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to her in case FIR No. 33 dated 03.03.2023 under Section 20(b) of the NDPS Act, 1985, registered at Police Station Gidderbaha District Sri Muktsar Sahib.

2. As per the case of the prosecution, ASI Sukhpal Singh, alongwith other police officials were going from Giddherbaha to Lambi for doing patrolling duty and for checking of suspicious persons and during the said process, the petitioner alongwith her co-accused were found in possession of 18 kgs of Ganja, which they were carrying without any licence or permit. After following the process of law, the petitioner and her husband Baldev were arrested in the present case.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no recovery was effected from the petitioner. The petitioner is in custody since 03.03.2023 and the challan has been presented against her. However, the charge against the petitioner is yet to be framed and the conclusion of the trial may take quite a long time. Thus, further custody of the petitioner shall serve no meaningful purpose.

4. On the other hand, learned State counsel has vehemently argued that this case involves huge quantity of Ganja and the petitioner is not entitled for grant of concession of bail by this Court.

5. I have heard the rival contentions made by the learned counsel for the parties and perused the record with their able assistance.

6. It is not in dispute that the petitioner is in custody since 03.03.2023 and even the recovery of the contraband, i.e. 18 Kgs of Ganja is not commercial in nature. Still further, the charge is yet to be framed against the present petitioner and the conclusion of the trial may take quite a long time. Further, the entire prosecution case is based on the testimonies of official witnesses only and the petitioner would not be in a position to influence the witnesses.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 17, 2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No