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

\*\*\*\*

CRM-M-32064-2023

Date of Decision: 06.11.2023

Manpreet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Raghav Goyal Chandiwal, Advocate,  
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.46 dated 23.03.2023, under Sections 22-B, 61, 85 of the NDPS Act, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner has submitted that the petitioner, who is a lady of the age of 34 years is in custody for 7½ months and she has been falsely implicated in the present case and even otherwise also the investigation of the case has already been completed and thereafter, charges have also been framed but no prosecution witness has been examined till date. He further submitted that the alleged recovery from the petitioner was 2.24 grams of salt of *Etizolam* which does not fall in the category of commercial quantity because as per the NDPS Act the commercial quantity is defined to be 2.25 grams and therefore, the bar

contained under Section 37 of the NDPS Act will not apply in the present case. He further submitted that considering the custody of the petitioner and the fact that the alleged recovery does not fall in the commercial quantity under the NDPS Act, the petitioner being a lady may be considered for the grant of regular bail.

3. On the other hand, Mr. H.S. Sitta, learned Deputy Advocate General, Punjab, submitted that it is correct that the petitioner is in custody from 7½ months and the recovered quantity does not fall in the category of commercial quantity. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner is involved in one more case under the NDPS Act.

4. I have heard the learned counsels for the parties.

5. It is a case where there was an alleged recovery of 2.24 grams of *Etizolam* from the petitioner which does not fall in the commercial quantity. As per the learned counsel for the parties, the investigation of the case has been completed and now charges have also been framed but no prosecution witness has been examined till date. The mere fact that the petitioner is involved in one more case under the NDPS Act cannot become a ground for denial of bail to her especially considering the fact that the alleged quantity recovered from the petitioner does not fall in the category of commercial quantity under the NDPS Act and also considering the fact that the petitioner is a lady of the age of 34 years.

6. In view of the aforesaid facts and circumstances, since the trial of the case may take long time, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed

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and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.11.2023  
*Bhumika*

(JASGURPREET SINGH PURI)  
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |