

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-37909-2022

Date of decision : 15.03.2023

Gurmeet Kaur @ Meeto

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Gulam Nabi Malik, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.62 dated 05.05.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (to which Sections 29 of the NDPS Act was added later on) at Police Station Sadar Ahmedgarh, District Malerkotla.

Custody certificate dated 14.03.2023 has been filed by learned State counsel in the Court today which is taken on record.

Brief facts of the case are that on 05.05.2022 the police party headed by ASI Gurmail Singh received a secret information that Gurmeet Kaur @ Meeto (the petitioner), who is indulging in selling intoxicant tablets, will come on foot to village Saroud for selling the

intoxicant tablets. On the basis of said information, the police apprehended the petitioner from the disclosed place and on checking of the polythene, thrown by the petitioner, 865 intoxicant tablets were recovered from it.

Learned counsel for petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner has nothing to do with the alleged recovery. Earlier, the petitioner was falsely implicated in another case i.e. FIR No.60 dated 03.05.2022 on the basis of disclosure statement made by co-accused Munshi Singh. In the said case, the petitioner was granted interim bail on 18.06.2022 and when the petitioner appeared before the trial Court to furnish bail bonds, she came to know that the police has also implicated her in the present case i.e. FIR No.62 dated 05.05.2022 and she is required in the present case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has vehemently opposed the present petition in terms of reply dated 07.01.2023 filed by the State and submits that the police apprehended the petitioner for having kept in her possession 865 intoxicant tablets without any license or permit. The contraband recovered from the petitioner falls under the category of commercial quantity. The petitioner is a habitual offender and she is also involved in 03 other cases under the NDPS Act. Therefore, the petitioner does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper-book.

As per reply filed by the State, 865 intoxicant tablets were recovered from the petitioner and as per the report of the Chemical Analysis the salt 'Diphenoxylte Hydrochloride' was found present in the tablets recovered from the petitioner. The average weight of each tablets is 63 mg and when converted into grams, it comes to 53.55 grams which falls under the commercial quantity which attracts the rigors of Section 37 of the NDPS Act. Moreover, the antecedents of the petitioner are not good and she is also involved in 03 other cases under the NDPS Act.

The allegations against the petitioner are very serious in nature which needs no leniency at this stage. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking. The Hon'ble Apex Court in case ***State of Punjab Vs. Baldev Singh : 1999 AIR SC 2378*** has observed regarding Drug Addiction, Drug abuse and its effect on the society. The Hon'ble Apex Court in para No.3 has observed as under:-

“3. Drug abuse is a social malady. While drug addition eats into the vitals of the society, drug trafficking not only eats into the vitals of the economy of a country, but illicit money generated by drug trafficking is often used for illicit activities including encouragement of terrorism. There is no doubt that drug trafficking, trading and its use, which is

a global phenomena and has acquired the dimensions of an epidemic, affects the economic policies of the State, corrupts the system and is detrimental to the future of a country. It has the effect of producing a sick society and harmful culture. Anti-drug justice is a criminal dimension of social justice. The United Nations Conventions Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances which was held in Vienna, Australia in 1988 was perhaps one of the first efforts, at an international level, to tackle the menace of drug trafficking throughout the comity of nations. The Government of India has ratified this convention.”

The aforesaid ratio of law has also been reiterated by the Hon'ble Supreme Court recently in ***Sri Thaha Ummer Vs. Union of India, Criminal Petition No.9450/2022 decided on 09.11.2022.***

Without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that the alleged contraband recovered from the petitioner falls in the category of 'commercial' quantity which attracts rigors of Section 37(1)(b) of the NDPS Act and the fact that the antecedents of the petitioners are also not good, I am of the considered view that the petitioner does not deserve the concession of regular bail.

The present petition is dismissed accordingly.

15.03.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No