

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-37448-2023 (O&M)

Date of decision: 08.08.2023

Priya

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-31723-2023

Allowed as prayed for.

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1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.197 dated 26.10.2022 under Sections 22A-27A-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 26.10.2022 for allegedly being found in possession of 05 grams of Tramadol (small quantity) along with ₹4,000/- (drug money). Learned counsel submits that it is a case of false implication. He submits that at the time of the search, mandatory provisions of Section 50 of the NDPS Act were also not complied with

by the police. He submits that after the charges were framed, 02 out of the 08 prosecution witnesses, stand examined and hence, the trial is unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that though the recovery effected fell under the small quantity, however, the petitioner was nabbed along with ₹4,000/- which was drug money and still further the petitioner is involved in another case under the NDPS Act, however, in that case also the alleged recovery effected from her was 05 grams of heroin along with ₹50,000/- drug money.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner was nabbed by the police on the basis of suspicion and a recovery of 05 grams of Tramadol was effected from her. Only 02 out of the 08 prosecution witnesses stand examined and hence, the trial could take some time to conclude. Though the petitioner is involved in another case under the NDPS Act, however, therein also contraband recovered from her was 05 grams of heroin. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as she has been in custody since 26.10.2022.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to her furnishing heavy surety to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed

to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

08.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No