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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39287-2023****Date of Decision:17.08.2023**

Sonali

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Davinder Kumar, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.555 dated 15.07.2023 registered under Section 21(b)-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Yamuna Nagar City, District Yamuna Nagar.

As per case of the prosecution, on getting a secret information, a raid was conducted and the petitioner was apprehended by the police. After following the due procedure of law, 21 grams of smack (heroin) was recovered from the Activa Scooter of the present petitioner. Learned counsel for the petitioner contends that the petitioner is in custody since 15.07.2023 and the investigation is almost complete and the challan is likely to be presented against her. Learned counsel further contends that the police had allegedly recovered only 21 grams of smack from the Honda Activa Scooter belonging to the

petitioner and the quantity of the contraband is non-commercial in nature. Learned counsel further contends that the mandatory procedure relating to the search and seizure was not followed by the police. He further contends that there is no other case under the provision of NDPS Act against the present petitioner and her further custody will serve no meaningful purpose.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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