

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

210

CRM-M-48490-2022

Date of decision: 17.01.2023

Babli Kaur @ Babbu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.175 dated 11.07.2022 lodged under Sections 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that admittedly it was a case of chance recovery and only 05 kgs of poppy husk was allegedly recovered from her conscious possession. He further submits that thereafter recovery of another 12 kgs of poppy husk along with Rs.77,000/- as drug money was shown to have been effected from the house of co-accused Paramjit Kaur. Learned counsel submits that the petitioner has now been in custody since 11.07.2022 and only charges have been framed as on date. Hence, there is no likelihood of the trial concluding in the near future. He further submits that similarly situated co-accused Paramjit Kaur has since been extended the concession of bail by this Court vide order of even date.

Per contra, learned State counsel while opposing the prayer

and submissions made by the counsel opposite, on instructions from ASI Jagir Singh, has not disputed that the alleged recovery does not fall under the commercial category. He, however, submits that the petitioner is involved in another case under the NDPS Act wherein a recovery of 05 kgs of poppy husk was effected from her and in that case the petitioner has since been released on bail.

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

The petitioner, who is a lady, has been in custody since 11.07.2022 and there is no likelihood of the trial concluding in the near future as the prosecution evidence is yet to commence. The alleged recovery effected from the petitioner falls within non-commercial category. Hence, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail 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.

It is further clarified that since the petitioner is also involved in another case under the NDPS Act wherein also the recovery effected was of only 05 kgs of poppy husk, in case the petitioner is found involved in another case under the NDPS Act, the prosecution would be at liberty to seek cancellation of her bail in the case in question.

17.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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