

CRM-M-49553-2022 (O&M)

**2023:PHHC:049337
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-49553-2022 (O&M)
Date of Decision: 11.04.2023**

Kaki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kirat Pal Dhaliwal, Advocate for the petitioner.
Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.133 dated 23.07.2020 under Section 22 and 29 of NDPS Act registered at P.S City Dhuri, District Sangrur.

As per allegations in the FIR, 1030 intoxicant tablets of Clovidol 100SR (Tramadol Hydrochloride Tablets) were recovered from the conscious possession of the petitioner. As per the Forensic Science Laboratory Report, the intoxicant tablets Clovidol 100SR were found containing the salt Tramadol Hydrochloride. The total weight of the salt Tramadol Hydrochloride comes to approximately 421 grams, which is way above the commercial quantity i.e 250 grams.

Learned counsel for the petitioner contends that false recovery has been planted on the petitioner and that the prosecution case is based on the testimonies of the official witnesses. The petitioner has been behind bars for the

last about one year and eight months with the petitioner having not been

involved in any other criminal case under the provisions of NDPS Act.

Opposing the petition, learned State counsel, on instructions from ASI Darshan Singh submits that out of 17 prosecution witnesses, 05 have already been examined.

The petitioner is a case of right Renal Stone. As per the opinion of the Medical Board as is evident from Annexure R/T-II annexed with the reply filed by respondent-State, the stone can be expelled out with treatment or it may need removal by Urologist.

Without commenting anything on the merits of the case and also considering the medical condition of the petitioner apart from taking note of the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Kaki is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

April 11, 2023

manoj

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No