

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

210-2

CRM-M-52817-2022

Date of decision: 17.01.2023

Paramjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Karanjeet Singh Brar, 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 the petitioner was allegedly apprehended with 05 kgs of poppy husk along with a sum of Rs.11,000/- which was alleged to be drug money. He submits that thereafter disclosure statement was allegedly recorded pursuant to which the petitioner yet again got another recovery of 10 kgs of poppy husk effected from the house of co-accused Babli Kaur. Learned counsel submits that the recovered contraband admittedly does not fall within the commercial quantity. He further submits that since the

petitioner has clean antecedents not being involved in any other criminal case much less a case under the NDPS Act and the challan stands presented, further incarceration of the petitioner in the circumstances would serve no useful purpose. He submits that as many as 16 prosecution witnesses have been cited and the trial in the circumstances shall take considerable time to conclude.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jagir Singh, has submitted that a total of 15 kgs of poppy husk (05 kgs from her conscious possession and another 10 kgs of poppy husk pursuant to petitioner's disclosure statement) was recovered along with sum of Rs.11,000/- which was a drug money. He, however, has not been able to dispute that the petitioner is not involved in any other case much less under the NDPS Act. Learned State counsel has further submitted that 16 prosecution witnesses have been cited by the investigating agency and the prosecution evidence is yet to commence.

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

Recovery effected from the petitioner i.e. 15 kgs of poppy husk falls under the non-commercial category. The petitioner is not involved in any other criminal case much less a case under the NDPS Act coupled with the fact that only charges stand framed as on date. This Court, therefore, 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.

17.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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