

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56311-2022
Decided on : 23.01.2023

Priya Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.K.Sharma, Advocate
 for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the petition under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.197 dated 26.10.2022 under Sections 22(a), 22, 29, 27(a) of NDPS Act, 1985 registered at Police Station Dinanagar District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 26.10.2022 for having been found in possession of 5 grams of heroin, which falls under the non-commercial category. Learned counsel further submits that it was a case of chance recovery as the mandatory provisions of Section 50 were not complied with and hence, it was evidently a false case, which had been planted upon the petitioner. Learned counsel submits that there is no likelihood of the trial concluding in the near future as challan is yet to be presented and hence, the petitioner be released on regular bail.

Per contra learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, submits that no doubt the recovery effected did not fall under the commercial quantity, however, the petitioner is a woman with a criminal past as she is involved in another case under the NDPS Act, which was registered prior to the FIR in question. Learned counsel on instructions further submits that the petitioner was on bail in FIR No.137 dated 06.08.2022 registered under Section 21-A, 27-A, 29, 61 and 85 of NDPS Act when she was apprehended by the police along with the contraband. Learned State counsel submits that thus, it was apparent that the petitioner had misused the concession of bail granted in another case under the NDPS Act and again committed a similar offence. Learned State counsel still further submits that the matter is still under investigation and seeing the conduct of the petitioner, there is every likelihood that she could yet again be involved in another case, if she is granted the concession of bail. Learned State counsel, thus, prays for dismissal of the present petition.

Heard learned counsel for the parties.

Prima facie, the petitioner seems to be a habitual offender, which is apparent from the fact that after FIR No. 137 dated 06.08.2022 under the NDPS Act was registered against her and she was released on bail, she was yet again found in possession of 5 grams of heroin. The petitioner has thus, misused the concession of bail, which was granted to her in the previous case.

In the circumstances, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the present petition stands dismissed. 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.

23.01.2023
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(MANJARI NEHRU KAUL)
JUDGE

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