

S. No.215

2024:PHHC:064859

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-712 of 2024 (O&M)

Date of Decision:09.05.2024

Amandeep Kaur @ Rodo

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Nidhi, Advocate for Mr. P.S. Sekhon,
Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.78 dated 08.04.2023 registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-I, Sangrur, District Sangrur.

As per prosecution allegations, during patrolling and checking by a policy party, the petitioner was apprehended carrying a plastic transparent envelope, having loose tablets of white colour, which were clearly visible from the transparent plastic envelope. 845 loose intoxicating tablets were found. These were taken into possession. On analysis, the same were found to contain the salt of Tramadol with weight of 311 grams.

Learned counsel contends that the petitioner has been falsely implicated; that it is highly improbable that petitioner will carry the intoxicating tablets in such a transparent polythene bag that these could be visible to the police party.

Learned counsel further contends that the petitioner is in custody for the last more than one year and the trial is not proceeding further.

Learned State Counsel has opposed the bail petition by submitting that the recovered quantity of contraband falls in the commercial category and that the petitioner is also involved in one more case pertaining to NDPS Act.

As per the custody certificate placed on record today, the petitioner is in custody for the last 01 year and 29 days.

On instructions from ASI Nirbhay Singh, learned State Counsel also informs that out of 11 witnesses cited by the prosecution, not even a single witness has been examined so far.

Apart from above, it will be a matter of trial as to whether the petitioner, who was found in conscious possession of the intoxicating tablets, can keep them in a transparent plastic bag which were visible to the Police party when she was apprehended.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 09, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No