



CRM-M-16441-2024

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

CRM-M-16441-2024
Decided on : 22.07.2024

Alisha Chopra Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.172 dated 20.06.2023 under Sections 18, 21, 61 and 85 of NDPS Act, 1985 registered at Police Station STF Mohali District STF Wing.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case solely to pressurise his brother-in-law Ankush Chopra @ Shallu, into withdrawing petitions he has filed in this Court concerning his illegal custody. It has been further asserted by the learned counsel that the petitioner has been in custody since 20.06.2023; the alleged recovery from her includes 285 gms of opium, classified as non-commercial under the NDPS Act. Additionally, another alleged



recovery of 258 grams of heroin, which is marginally above the commercial quantity under the NDPS Act, has been planted upon her, and if weight of the polythene packaging is excluded, the recovery of heroin would fall under the non-commercial category. Learned counsel for the petitioner has argued that since the alleged recoveries have already been affected, nothing needs to be recovered from her, the petitioner's further incarceration would serve no useful purpose. Still further, it has been asserted by the learned counsel that there is no direct or indirect evidence linking her to the commission of alleged offences.

3. Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner by submitting that there are grave and serious allegations against her. It has been further contended that the recovered quantity of the contraband specifically heroin falls under the commercial category. The petitioner was named in the secret information, which led to her being apprehended with not only heroin and opium but also drug money amounting to Rs.6,26,900/-. It has also been submitted that the petitioner has criminal antecedents as she is involved in another case under the NDPS Act, in which she was enlarged on bail on 22.06.2022; on 20.06.2023, she was again apprehended along with the contraband in the present case, which clearly hints towards the petitioner being a habitual offender. It has also been argued that the trial has been



progressing at a reasonably good pace and there is every likelihood that the case would not take much time to conclude as on the next date of hearing the prosecution evidence is likely to commence. It has been lastly urged by the State counsel that in case, the petitioner is extended on bail, she may abscond and also be yet again involved in similar offence and hence, the instant petition be dismissed.

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

5. *Prima facie*, the petitioner does come across as a habitual offender. In the present case, the petitioner was specifically named in the secret information as being a drug supplier. During investigation, it also came to light that the petitioner had been absconding in another criminal case and had been in hiding, which is indicative of her *prima facie* involvement in the present case. In the present case, as per instructions received by the State counsel, the mandatory provisions of the NDPS Act were duly complied with, resulting in the recovery of 258 grams of heroin, 285 grams of opium and suspected drug money from her.

6. In the facts and circumstances as enumerated hereinabove and considering the role attributed to the petitioner and also her criminal antecedents, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.



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7. 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.

22.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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