

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-19822-2024  
Date of decision:-23.07.2024

RANJEETA DEVI @ RANJITA DEVI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amardeep Singh, Advocate for the petitioner.  
Mr. Japjot Singh, AAG, Punjab.

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SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed custody certificate dated 22.07.2024, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections       | Police Station       |
|---------|------------|----------------|----------------------|
| 16      | 28.01.2024 | 18 of NDPS Act | GRP Ludhiana, Punjab |

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that petitioner was arrested on 28.01.2024 and alleged 1.250 kgs of opium was recovered. He submits that the alleged recovery of contraband does not fall within the purview of commercial quantity. He submits that petitioner is not involved in any other criminal case and after completion of investigation challan has been presented in Court wherein prosecution has cited 9 witnesses and none of them have been examined till date, as such he prays for grant of concession of regular bail to the petitioner.

4. Learned State counsel, on the other hand, has opposed the bail petition by arguing that the petitioner was apprehended on the spot and 1.250 kg of opium was recovered from his conscious possession. However he has not disputed the factual matrix of the case and admitted that challan has been presented in Court and prosecution has cited 9 witnesses and till date none of the them have been examined so far.

5. After considering the submissions made by both the sides and perusing the record, it transpires that as per the case of the prosecution, petitioner was apprehended with 1.250 kg of opium on the spot. Admittedly the alleged recovery does not fall within the purview of commercial quantity. The petitioner is in custody since 28.01.2024, and is not involved in any other case, after completion of investigation, challan has been presented in Court whereby prosecution has cited 9 witnesses and till date none of them have been examined so far. The conclusion of trial, will take sufficient long time, to ascertain criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, the present petition is allowed. The petitioner is



ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

23.07.2024  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |