

2024:PHHC:057590

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

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CRM-M-21087-2024
Date of Decision : April 29, 2024

PINKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of pre-arrest bail to the petitioner in case FIR No.0171 dated 24.9.2023, under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Garhshankar, District Hoshiarpur, Punjab.
2. A perusal of the FIR reveals that recovery of 290 grams intoxicant was effected from co-accused Anjana Devi and Rajan, which was subsequently found to be “Alprazolam”. The commercial quantity prescribed under the schedule attached with the NDPS Act, is more than 100 grams, therefore, the recovered quantity from the co-accused is approximately three times the commercial quantity. Further, it is not in dispute that the petitioner is involved in two other cases under the NDPS Act.
3. Considering the antecedents of the petitioner, which clearly

reflect that she is habitual offender and the recovery is of commercial quantity, this Court is not inclined to grant the extra ordinary relief of pre-arrest bail to the present petitioner. The submission of the learned counsel for the petitioner that there is only disclosure statement, which is not admissible in the eyes of law, cannot be considered at this stage, especially in view of the law laid down by the Hon'ble Supreme Court in **State of Haryana Vs. Samarth Kumar, 2002 Livelaw(SC) 622.** [Therefore](#), the instant petition is, hereby, **dismissed**.

April 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No