

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

Date of Decision: 21.08.2024

...Respondent

2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, 7.96 grams of smack was allegedly recovered from the petitioner. He further contends that the quantity of contraband, which was allegedly recovered from the petitioner, falls within the ambit of “non-commercial quantity”. Thus, the rigors of Section 37 of NDPS Act would not apply to the facts of the present case. Learned counsel further contends that in the present case, the mandatory procedure relating to search and seizure was not followed by the police, while effecting the search of the



petitioner. The petitioner was arrested in the present case on 03.02.2024 and is in custody for the last six months. He further contends that no other criminal case was ever registered against the petitioner.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner and she does not deserve the concession of bail by this Court.

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

5. The quantity of contraband recovered from the present petitioner falls within the ambit of “non-commercial quantity”. Further, the petitioner is in custody for the last 6 months and the challan has already been presented against him before the competent Court. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

21.08.2024.
hemlata

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