

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025.PHHC.035828



(288) CRM-M-6004-2025(O&M)
Date of Decision:- 17.03.2025

NitaPetitioner

Versus

State of HaryanaRespondent

CORAM HON’BLE MR.JUSTICE ANOOP CHITKARA

Present Ms. Shalini Attri, Advocate,
for the petitioner.

Mr.Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J (ORAL)

FIR No.	Date	Police Station	Under Sections
304	04.05.2024	City Rohtak, Distt. Rohtak	20(b)(II), 61/85 of NDPS Act, 1985

1. Petitioner incarcerated in the captioned FIR has come before this court under Section 483 BNSS, 2023 seeking regular bail.
2. Petitioner is silent about his criminal history in petition.
3. Reply dated 11.03.2025 filed by State is taken on record. Per reply, based on secret information, police recovered 1 kg 50 gms charas. Investigator complied with all the provisions of NDPS Act / Cr.P.C.
4. Petitioner’s counsel seeks bail on the ground of prolonged custody, however, FIR is dated 04.05.2024 and even if entire period is taken as custody period in that case after, her custody is only 10 months, which cannot be called as prolonged because quantity involved is commercial and rigors of section 37 of NDPS Act apply in this case. Therefore, she is not entitled for bail on the ground of prolonged custody.
5. Petitioner’s second ground for bail is violation of Section 50 of NDPS Act, whereas, as per the prosecution case, she was holding the polythene bag in her hands, as such, recovery is not from the person and ratio in State of Himachal Pradesh versus Pawan Kumar AIR 2005 SC 2265 will come into operation.



As such, petitioner is not entitled for bail on the ground of violation of Section 50 of NDPS Act.

- 6. Since, the quantity recovered in this case is commercial and petitioner fails to cross the hurdle of twin conditions imposed by the legislature.
- 7. Given above, no case for bail is made out and petition is dismissed.

17.03.2025
mamta

(ANOOP CHITKARA)
JUDGE

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