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

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CRM-M-8244-2025 (O&M)
Date of decision: 29.07.2025

Bhim Kumari Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Inderpreet Singh Kooner, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner
in FIR No. 130 dated 19.04.2024, registered under Section 20 and 29 of the
NDPS Act, 1985 at Police Station Zirakpur, District SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present
petition are that on 19.04.2024, the petitioner and co-accused Bahadur
Gharti and Dhanmaya were apprehended by a police party while they were
coming together from Ambala-Chandigarh highway towards village Baltana.
On conducting search, recovery of 2.5 kgs. of Charas was effected from a
bag which was being carried by co-accused Bahadur Gharti, whereas
recovery of 01 kg. of Charas was effected from the petitioner and the same

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amount of Charas was recovered from co-accused Dhanmaya. All of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 26.07.2024.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. In fact, a false recovery has been planted upon her. Mandatory provisions of the NDPS Act were not complied with. The quantity of the contraband allegedly recovered from her does not fall under commercial quantity and the same cannot be clubbed with the recovery stated to be effected from the co-accused so as to make it a case of recovery of commercial quantity of contraband. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 19.04.2024. No useful purpose would be served by keeping her in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, she is not entitled to get benefit of bail. Total recovery of 4.5 kgs. of Charas has been effected in this case. The story of the petitioner regarding her false implication and plantation of the recovered contraband is concocted one. It is further argued that since the recovery of

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the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against her. If released on bail, the petitioner may abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner along with above named two co-accused was apprehended by the police party and the recovery of total 4.5 kgs. of Charas was effected from them. From personal search of the petitioner, 01 kg. of Charas was recovered, which alone falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded. The trial has commenced and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to alleged lacunas in investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that she does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present

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petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.07.2025
Naseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>