



CRM-M-8017-2025

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

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**CRM-M-8017-2025
Decided on :30.07.2025**

Preet @ Priti Sidhu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Damanjit Singh Sandhu, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in case FIR No. 232 dated 22.09.2023, under Sections 21, 22, 29, and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), registered at Police Station Model Town, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner submits that in the present case, the alleged recovery is of 260 grams of heroin from the petitioner, which exceeds the maximum prescribed limit for non-commercial quantity by only 10 grams. It is argued that the procedure followed in weighing the contraband is yet to be scrutinized by the trial Court, and

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any irregularity in the weighing process could alter the classification of the recovered quantity, potentially bringing it within the non-commercial category.

3. It is further submitted that the petitioner is a woman and is in custody for a period of last one year, two months, and fifteen days. Additionally, it is stated that the petitioner's husband passed away in July 2025, and there is no one available to take care of her minor children. A copy of the death certificate has been placed on record. Therefore, counsel prays for the grant of regular bail on humanitarian and sympathetic considerations.

4. Conversely, learned State counsel has filed the custody certificate and confirmed the petitioner's period of incarceration. It is submitted that the petitioner is also involved in two other FIRs: (i) FIR No. 154 dated 21.06.2022 under Sections 22, 61, and 85 of the NDPS Act, and
ii) FIR No. 159 dated 30.06.2024 under Section 22(b) of the NDPS Act both registered at Police Station Model Town, Hoshiarpur.

However, it is acknowledged that in FIR No. 159, the petitioner was already in custody at the time of registration. The State counsel submits that the contraband recovered exceeds the upper limit for non-commercial quantity and technically falls under the category of commercial quantity. Nonetheless, the State also concedes that the legality of the weighing method is yet to be determined by the trial Court, and the final classification of the quantity recovered will depend on the



evidence led during trial. Despite this, the State opposes the bail prayer and seeks dismissal of the petition.

5. Having heard learned counsel for the parties and perused the record, this Court is of the considered view that the manner and procedure of weighing the contraband are matters to be adjudicated by the trial Court, and given that the excess quantity is merely 10 grams, it cannot be ruled out that a finding favourable to the petitioner may emerge at a later stage. Prima facie, the recovery may reasonably be considered to fall within the range of intermediate quantity.

Keeping in view the totality of the circumstances and the fact that petitioner is a woman; is in custody for the period of last one year and two months; is the sole caregiver for her minor children following the recent demise of her husband; and that the trial is likely to take considerable time, the continued incarceration of the petitioner would not serve any useful purpose. Accordingly, this Court finds merit in the prayer made in the present petition.

6. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an



independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

30.07.2025

Rashmi

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