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

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CRM-M-9366-2025 (O&M)
Date of decision: 17.09.2025

Seema Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, 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. 62 dated 02.08.2023, registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Nandgarh, District Bathinda.
2. Brief facts of the case relevant for the disposal of the present petition are that on 02.08.2023, the petitioner was apprehended by a police party and recovery of 3800 tablets of Colovido1-100 SR containing salt of Tramadol HCL was effected from him. Since she could not produce any valid license or permit to keep in her possession the recovered drugs, she was formally arrested at the spot. Subsequently, she was granted concession of interim bail awaiting the FSL report, vide order dated 13.09.2023. However, she absented herself from the proceedings. *Challan* was presented in the absence of the petitioner. Her bail was cancelled and non-bailable warrants were issued against her and

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ultimately she was declared a proclaimed offender, vide order dated 20.07.2024. She was re-arrested on 22.09.2023. She moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 25.10.2024. Thereafter, the petitioner has filed the present petition for grant of regular bail and vide order dated 21.04.2025, she has been granted concession of interim bail, which is still continuing.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined at the time of effecting aforesaid recovery from the petitioner. She is not involved in any other case. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take considerable time. The petitioner is in custody since 22.09.2024 barring period of her interim bail granted by this Court. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

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. 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. The petitioner is alleged to have been apprehended on 02.08.2023 while keeping in her possession 3800 tablets of Colovidol-100 SR containing salt of Tramadol HCL. The petitioner could not produce any valid permit or license to have recovered contraband in her possession. The quantity of the

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recovered contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The petitioner has been granted concession of interim bail on the ground of delay in trial. However, this Court has been informed by learned State counsel that out of total 08 prosecution witnesses, 02 witnesses have been examined, 05 witnesses have been given up and only 01 witness remains to be examined. Hence, the trial is at its fag end and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail. Rather, she needs to surrender immediately before the learned trial Court keeping in view the stage of trial. Hence, the petition is dismissed. The petitioner is directed to surrender before the learned trial Court forthwith.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

8. Let a copy of this order be sent to the learned trial Court as well as to the SHO of the Police Station concerned.

17.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No