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

**CRM-M No.24197 of 2025
Date of decision : 16.05.2025**

Mandeep Kaur**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. R. P. Dhir, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.41, dated 09.04.2025, under Sections 22/61/85 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Mahilpur, District Hoshiarpur.

2. Succinctly the facts of the case are that the police party while on patrolling on 09.04.2025 saw a young woman coming from the front, who on seeing the police, got perplexed and turned back. She threw a weighty glazed envelope, which she was holding in her hand on the kacha path. On suspicion, she was apprehended by the police party and on asking, she disclosed her name to be Mandeep Kaur @ Bahmani (petitioner). She was suspected to be carrying some contraband in the envelope which was



thrown by her and thus she was given the offer to be searched. Thereafter on conducting the search of the envelope thrown by her, 10.18 grams of heroin was recovered from the same. She failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and she was arrested on the spot. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Hoshiarpur declined the petition filed by the petitioner vide order dated 24.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been roped in the present case in a premeditated manner by the investigating agencies. He has submitted that the petitioner was falsely implicated in another FIR bearing No.05, dated 27.01.2025, under Section 22 of NDPS Act as well and this Court vide order dated 09.04.2025 passed in CRM-M-19777-2025 had already granted anticipatory bail to her. He has submitted that on the same very day, the petitioner was implicated in the present case. He has submitted that even otherwise, the alleged recovery effected from the petitioner is in a public place, however no independent witness has been joined. He has submitted that the recovery effected from the petitioner is non commercial in nature and thus the provisions of Section 37 of NDPS Act are not attracted. He has submitted that in the facts and circumstances, the false implication of



the petitioner is writ large and thus, she deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner is a habitual offender. He has submitted that the petitioner is facing prosecution in 02 more cases of the similar nature. He has submitted that sample of the contraband has been sent to the FSL, however the report is still awaited and the case is under investigation. He has placed on record custody certificate of the petitioner today in the Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is inferred that the alleged contraband recovered from the petitioner weighs only 10.18 grams of heroin, which is a non commercial quantity rather the quantity upto 5 grams is a small quantity. The record reveals that on 09.04.2025, the petitioner was granted anticipatory bail by this Court in another FIR and on the same very day, the present FIR was registered in the evening. Custody certificate shows that the petitioner is involved in one more case, however she is on bail in that case. It further reflects that the petitioner has suffered incarceration of 01 month and 4 days as on 15.05.2025.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the

sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.05.2025

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(RAJESH BHARDWAJ)
JUDGE

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