



241

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

CRM-M-25527-2025

Date of Decision:15.05.2025

KULWINDER KAUR

...PETITIONER

VS.

UNION OF INDIA, THROUGH NARCOTICS CONTROL BUREAU

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Utsav Bains (S.P.P.) with
Mr. Mandeep Sindhu, Advocate
for respondent (NCB).

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case Crime No.4 dated 14.02.2025, registered under Sections 8, 18, 23 & 29 of NDPS Act 1985, Narcotic Control Bureau, Chandigarh.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, 330 grams of opium was allegedly recovered from the petitioner, which falls within the definition of "non-commercial quantity." In fact the recovery was not effected from the conscious possession of the petitioner and has been falsely involved by the Narcotic Control Bureau. Even the petitioner is a first offender and was never involved in any other activities.



3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that huge recovery has been effected from the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, 330 grams of opium has been recovered from the petitioner, however, the said quantity does not fall within the ambit of commercial quantity and the bar contained in Section 37 of the NDPS Act may not apply to the facts of the present case. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

15.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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