

2025:PHHC:156393



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

1. CRM-M-29633-2025 (O&M)

Pooja Rani @ Pooja Devi @ Pooja Kumari and another ...Petitioners

Versus

State of Punjab ...Respondent

2. CRM-M-29282-2025 (O&M)

Babita Devi @ Babbo ...Petitioner

Versus

State of Punjab ...Respondent

**Reserved on : 04.11.2025
Pronounced on : 13.11.2025**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Prateek Pandit, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of abovementioned two petitions as they arise out of the same FIR and seek similar relief.
2. Prayer in these petitions, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioners in case bearing FIR No. 24 dated 02.02.2025, registered under Section 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Maqsudan, District Jalandhar (Rural).
3. Brief facts of the case relevant for the disposal of the present

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petitions are that on 02.02.2025, on the basis of suspicion, the petitioners were apprehended by a police party and recovery of 20 kgs. 200 grams of Ganja was effected from their conscious possession. 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 petitioners are facing trial for commission of aforementioned offences.

4. Learned counsel for the petitioners have argued that they have been falsely implicated in this case. They are migrant workers and were working on daily wages. Mandatory provisions of the NDPS Act were not complied with. As per own case of the prosecution, the weighment of the recovered contraband was done along with the plastic bag, in which, it was kept. Hence, it will be a question of debate as to whether the actual quantity of the contraband would qualify the threshold for commercial quantity of the same or not? Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. The petitioners have clean antecedents. They are in custody since 02.02.2025. No useful purpose would be served by keeping them in custody anymore. Therefore, it is urged that the petitions deserve to be allowed and the petitioners deserve to be released on regular bail.

5. Separate status reports along with the custody certificates of the petitioners have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioners, they are not entitled to get benefit of bail. It is, thus, argued that the petitions are liable to be dismissed.

6. This Court has heard the matter.

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7. As per the allegations, the petitioners were found in joint possession of 20 kgs. 200 grams of Ganja on 02.02.2025. A perusal of the content of the FIR reveals that the recovered contraband was weighed along with the bag in which it was kept. Hence, it will be a debatable question as to whether the actual quantity of the recovered contraband fell under commercial quantity or not? Obviously, this question is to be decided by the learned trial Court after thorough assessment and evaluation of the evidence to be produced before it. A perusal of the record also reveals that the trial is delayed as no prosecution witness has been examined so far. The petitioners have clean antecedents. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

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

9. Let a photocopy of this order be placed on the file of the connected case.

13.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No