



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

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**CRM-M No.35595 of 2025
Date of decision : 22.7.2025**

Santo Bai**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Riffi Birla, Advocate, for the petitioner

Mr. Karunesh Kaushal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.87 dated 25.4.2025, under Sections 21/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 223 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station City-I, Abohar, District Fazilka.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Station House officer, Police station City-I, Abohar. Today, I P/SI alongwith HC Harsh Kumar No.835/FZK., SC Sudhir Kumar No.1126 were present at police station then information was received telephonically regarding stopping a car mark Honda City No.DL-4CAN-1192 during patrolling within the boundary of Dhani Dandewali near Railway Line, Abohar and suspicion regarding some intoxicant substance



in the car and for sending competent investigation officer on the spot, on which I P/SI alongwith HC Harsh Kumar NO. 835/[FZK.SC](#) Sudhir Kumar No.1126 after contacting with ASI Bhupinder Singh reached on the spot, whereas ASI Bhupinder Singh alongwith HC Lakhwinder Singh NO.121/FZK., PHG Roshni Devi NO.6728, PHG Jaspal Singh NO. 6484 were present, whereas, ASI Bhupinder Singh told after apprising about the situation that I ASI alongwith fellow companions were going via main road to Katcha Path adjoining to railway line, regarding patrolling and checking of suspicious of some person, then one car mark Honda City bearing NO.DL-4C-AN-1192 was seen from the Dhani built on the bank of the katcha path, which was driven by clean cut surd person and aforesaid old women were sitting on the driver seat to whom I ASI on the basis of suspicion signalled to stop for checking then car driver succeeded in fleeing by suddenly stopping the car and after opening the door and old women sitting on the conductor seat was apprehended by PHG Roshni Devi accompanying the police party and there was doubt intoxicant substance in the car on which, Honda city Car bearing NO.DL-4C-AN-1192 apprehended alongwith one old woman were produced before I P/SI, on which I P/SI inquired about the name and address after disclosing my name, rank, deputation to that old woman, who disclosed her name as Santo Bai widow of Banta Singh @ Makha Singh resident of Dhani Dandewali Abohar. Then I P/SI tried to join public witness in the police party before conducting search of Honda City Car bearing NO.DL-4C-AN-1192 but no one met on the spot. Then I P/SI in the presence of fellow companions while conducting search of aforesaid car and found something wrapped in one transparent polythene bag near gear box of the car was effected, which was checked then heroin was recovered from the polythene and one small computerized scale in working condition was also recovered, on which I, P/SI weighed the recovered heroin alongwith polythene bag after taking out computerized scale from the investigating kit, which came out to be total 75 grams, which was put in the same polythene bag and parcel was prepared and parcel was duly sealed with his seal "JV". Sample seal was prepared separately and recovered computerized scale after being put in the cloth bag and parcel was prepared and parcel was duly sealed with seal JV. Then one bag of brown colour was found lying on the driver seat and tool box lying in the dashboard infront of the conductor seat, then one black colour bag was



recovered, on which search of both recovered bags was carried out separately, then total Indian currency notes of Rs.500,200,100,50,20,10 were recovered from the brown colour bag lying on the seat and while checking the second bag total Indian currency notes of Rs.500,200,100,50,20,10 alongwith Kulveer Singh, Banta Singh resident Dhani Dandewal, Abohar, Aadhar card No. 7816-7001-1928 and one voter card NO. WAA-1830679 were recovered, on which while counting the Indian currency notes recovered from two recovered bags total Rs.1,73,000/- were recovered, on which aforesaid recovered Indian currency alongwith aadhar card and voter card aforesaid after being put in the polythene bag and polythene bag was put in the cloth bag and parcel was prepared. The empty bags were put in one cloth bag and parcel was prepared and both parcels were duly sealed with seal JV and while conducting search of back seat of the car and dicky total 6 carton were recovered from both sides, which after being taken out from the car were opened and checked, then 50 boxes total 300 boxes and in each box, there were 10 strips and in each strip, there were 10 capsules totalling 30000 capsules mark Pregabalin capsules IP-VIN-on which PREG-300 in each strip were recovered, gatta plastic was arranged and recovered aforesaid were put in similarly in the capsules boxes cartons and total 6 parcels were prepared after putting cartons in plastic gatta and mark-I-6 were written on the parcel of gatta plastic and duly sealed with his seal JV. Then aforesaid parcels alongwith case property, sample seal and Honda City No.DL-4C-AN-1192 were taken into police possession while separate recovery memo, on which accused Kulbir Singh Babbu son of Banta Singh @ Makhan Singh and accused Santa Bai widow of Banta Singh @ Makhan Singh aforesaid by keeping in their possession heroin, drug money and Pregabalin Capsules has committed an offence under section 21/27A/61/85 of NDPS Act, 223 of BNS, ruqa after being written against accused Kulbir Singh @ Babbu and accused Santo Bai is sent to police station through HC Sudhir Singh No.1126/FZK. FIR number may be intimated after registration of FIR. Special report may be issued. Control room Fazilka may be informed. P/SI alongwith fellow companions is busy in investigation on the spot today within the boundary of Dhani Dandewali near Railway Line, Abohar at 06.30pm Sd/ Jaiveer P/SI P.S. city I, Abohar dated 25.04.2025.'

3. Learned counsel for the petitioner has argued that the petitioner



is a lady aged 81 years with clean antecedents. Learned counsel has submitted that she is in custody since 25.4.2025. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question on account of recovery of 75 grams of heroin from gear box of the car and ₹1,73,000/- from the dash box of the car, which car belongs to her son, who is a co-accused in the FIR in question and already stands arrested. Learned counsel for the petitioner has further argued that from the back seat of the car, thirty thousand (30000) capsules of pregabalin IP-300 were recovered, which does not fall within the purview of NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It is not in dispute that the petitioner was arrested on 25.4.2025 and is in continuous custody since then. Investigation of the case is in progress and culmination thereof will take its own time. The petitioner is an aged lady with clean antecedents. The prime prosecution material available against the petitioner, at this stage, is that she was a co-passenger with her son in whose name the car in question stands registered.

7. Keeping in view the entirety of the factual *milieu* of the case and the petitioner being 81 years old lady, her having no criminal



antecedents and prime allegations against her being of co-passenger in the car in question; which car is owned by her son (a co-accused in present FIR); this Court is satisfied that the rigors of Section 37 of the NDPS Act are met with in the present case. A profitable reference in this regard can be made to a judgment passed by this Court in **CRM-M No.64074 of 2024** titled *Kulwinder v. State of Punjab* decided on 10.1.2025.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

22.7.2025
Ashwani

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