



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37471 of 2025 (O&M)
Reserved on: 01.12.2025
Date of Decision: 15.12.2025

Manjeet Kaur

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Vijay Lath, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 22 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter referred to as 'NDPS Act' [Section 27 of NDPS Act and Section 111 of Bharatiya Nyaya Sanhita, 2023, added later on], the FIR No.42 dated 22.03.2025, has been lodged in Police Station Sadar Rupnagar, District Rupnagar. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition for bail under Section 483 of Bharatiya Nagarik Surakhsa Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being when a police party spotted two persons, one male and one female (petitioner), sitting on a cemented bench and searching



something in an envelope kept between them. According to prosecution, when they noticed the presence of police party they apparently got nervous, and therefore, on the basis of suspicion when the contents of above mentioned polythene bag were checked, it was found that in the above mentioned bag they were carrying 12 injections 'Buprenorphine' (2 ml each). According to prosecution in view of above mentioned recovery, necessary formalities with regard to seizure and sealing of psychotropic substance, lodging of FIR and arrest of petitioner were performed, and further investigation undertaken. As per prosecution during the course of investigation when the above named person 'Manjit Kaur' and 'Rinku Singh' were interrogated, they suffered their respective disclosure statement, wherein they nominated 'Gurpreet Singh @ Jatta' as supplier of the contraband.

3. Heard.

4. It has been contented on behalf of the petitioner that the petitioner is a law abiding citizen and despite being innocent she has been falsely implicated in the present case. While alleging that the petitioner has no nexus, whatsoever, with the commission of alleged crime, it has been contended on behalf of petitioner that repeatedly the petitioner is being falsely implicated in the cases under Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' and that in the past also, on four occasions false cases were planted against the petitioner and out of those 4 cases in 3 cases she has been acquitted. The learned counsel for the petitioner has also contended that a campaign in the name of 'Nasha Mukht Punjab; has



been launched by the Government, and in order to show its performance in the above mentioned campaign false cases are being planted against the persons, who had faced similar kind of prosecution in the past.

5. In addition to above, the learned counsel for the petitioner has also contended that the allegations against the petitioner are of being in possession of 12 injection of 'Buprenorphine', and that the total quantity of the contents of above mentioned injection comes out to be 24 ml, against the prescribed limit for commercial quantity of 20 grams. As per learned counsel for the petitioner, the fact that the petitioner has been prosecuted in the past cannot have an impact on the out come of present bail petition in view of the law laid down by the Hon'ble Supreme Court of India in the case of 'Prabhakar Tiwari Vs. State of U.P. (2020) 2 SCALE 448' and 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 AIR (SC) (Cri) 469', and also by this Court in the case of 'Gurpreet Singh @ Jatta Vs. State of Punjab, CRM-M-51199 of 2025' and 'Talwinder Singh @ Mintu Vs. State of Punjab, CRM-M-58043-2023'. The learned counsel for the petitioner has also contended that the tendency of Government of filing false FIRs under NDPS Act has been deprecated by this Court in the case of 'Manjeet Singh @ Rodu Vs. State of Punjab, CRM-M-38810-2025'.

6. It has also been contended by learned counsel for the petitioner that the facts of the present case shows that the petitioner was not in conscious possession of the contraband, and that otherwise also the quantity of contraband being marginally above the lowest limit fixed for commercial



quantity and the petitioner being a female, she is entitled for regular bail.

7. In this regard the learned counsel for the petitioner has referred to the principles of law laid down by this Court in the cases of 'Pawan Kumar Vs. State of Punjab, CRM-M-6433-2018', 'Amritpal Singh Lamberdar Vs. State of Punjab, CRM-M-21020-2020', 'Kashmir Singh and another Vs. State of Punjab, CRM-M-33292-2021', 'Ravi Kumar Vs. State of Punjab 2019(4) RCR (Criminal) 714', 'Niranjan Kumar @ Kaka Vs. State of Punjab, CRM-M-13662-2020' and 'Balwinder Singh Vs. State of Punjab, CRM-M-16150-2021'.

8. Per contra, the learned State counsel has controverted the above mentioned arguments. At the threshold the learned State counsel has pointed out that the case of the petitioner is not a simple case wherein this plea has been raised by the State that involvement of petitioner has been found in four cases under NDPS Act earlier also. According to learned State counsel, although the petitioner has been acquitted in three cases under NDPS Act, yet in one case she has been convicted also. According to learned State counsel being a previous convict the petitioner who has been found in conscious possession of the contraband is not entitled for the concession of bail.

9. The learned State counsel has further argued that in the present case the quantity of contraband recovered from the possession of petitioner is commercial quantity, and that without satisfying the twin conditions enshrined under Section 37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.



10. In support of his contention the learned State counsel has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'The State (NCT of Delhi) Narcotics Control Bureau v. Lokesh Chadha, (2021) 5 SCC 724', wherein it has been held that no person accused of offences involving a commercial quantity shall be released on bail, where the public prosecutor opposes the application, unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case the allegations against the petitioner are that she was found in conscious possession of polythene bag wherein she was searching something, and that from the same bag 12 injections of 'Buprenorphine' were recovered. The above mentioned factual matrix of the present case shows that instant case is not a case wherein this inference can be drawn that the manner in which the contraband was found in possession of petitioner does not amount to conscious possession of the contraband rather, the facts speaks otherwise.

13. In addition to above, it is also relevant to mention here that the quantity of contraband recovered from the possession of petitioner comes within the ambit of commercial quantity and as per law laid down by the Hon'ble Supreme Court of India in the case of 'Union of India Vs. Ajay Kumar Singh @ Pappu 2023 SCC Online SC 346' and 'State by the Inspector of Police Vs. B. Ramu, 2024 SCC Online SC 4073', without satisfying the



twin conditions the benefit of bail cannot be claimed by the petitioner except when it is established before the Court that the fundamental right of life and liberty under Article 21 of the Constitution of India is being violated. Qua above said aspect, it is relevant to mention here that the total custody period of the petitioner is just above 8 months and by any stretch of imagination it cannot be observed that there is inordinate delay in the conduct of trial.

14. Taking into consideration the cumulative effect of all the above mentioned facts and circumstances prevailing in the present case and the relevant legal position it is hereby held that the petitioner is not entitled for the benefit of bail, at this stage, and the present petition is devoid of merit. Hence, it is hereby held that being devoid of merit the present petition deserve dismissal. The same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

15.12.2025
Manoj Bhutani

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