

2025:PHHC:033954



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

CRM-M-54100-2024 (O&M)
Reserved on : 10.03.2025
Pronounced on : 12.03.2025

Aarti ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Brijesh Nandan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No. 61 dated 25.06.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Lambra, District Jalandhar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 25.06.2024, on the basis of a secret information that the petitioner and her husband Sewa Singh were indulged in selling heroin, a raid was conducted by a police party headed by ASI Subhash Kumar at the house of the petitioner and she along with her husband Sewa Singh was apprehended. On conducting search, recovery 55 loose intoxicant tablets of *Etizolam* was effected from the petitioner, whereas 65 loose intoxicant tablets of the salt were recovered from her husband Sewa Singh. Since they could not produce any licence or permit to keep in their possession the said contraband, they were formally arrested at the spot. After completion of necessary

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investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. She had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 09.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with. There is nothing on record to connect the petitioner with subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 25.06.2024. No useful purpose would be served by keeping her in custody anymore as her custodial interrogation is no more required. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, in terms of the status report which is available on record, has opposed the prayer of the petitioner by arguing that the petitioner along with her husband was apprehended by the police party when a raid was conducted at their house on 25.06.2024. Recovery of commercial quantity of the contraband has been effected from the petitioner. She is involved in one more case of similar nature. Rigors of Section 37 of the NDPS Act would be attracted against her. Trial may be expedited. It is also argued that if the petitioner is released on bail, she can abscond or indulge in similar offences. It is, thus, urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.
6. As per the allegations, the petitioner along with her husband Sewa Singh was apprehended by the police party on 25.06.2024 and commercial quantity of the contraband i.e. Etizolam tablets was individually effected from them. The criminal antecedents of the petitioner are not clean as she is shown to be involved in one more case under the NDPS Act, apart from one other case under the provisions of IPC. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against her as there is nothing on record to show that she did not commit the subject crime or shall not indulge in similar offences in case she is released on bail. Investigation has since been completed and challan has been presented. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. Keeping in view the discussion as made above, the quantity of the contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.
7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No