

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

2025:PHHC:036918



(231)

CRM-M-59566-2024

Date of Decision: 18.03.2025

Manjit Kaur

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. S.S. Rana, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.240, dated 29.08.2024, under Section 21-B of NDPS Act, registered at Police Station, Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that the petitioner, who is a lady, has been in custody since 29.08.2024 in a case of false implication; the alleged recovery effected from the petitioner was just 11 grams of heroin from a bag which she was alleged to be carrying when she was intercepted on suspicion by the police. Counsel submits that the recovery allegedly effected from the petitioner is a planted one and has been classified as non-commercial under the Act and hence petitioner deserves the concession of bail. Moreover, the possibility of the trial concluding in the near future does not arise since charges were framed only on 09.01.2025 coupled with the fact that none of the 10 prosecution

witnesses have been examined so far.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has submitted that the petitioner was nabbed on suspicion and a recovery of 11 grams of heroin was effected from a polythene bag which she was carrying. It is submitted that no doubt the recovery effected from the petitioner has not been classified as commercial under the Act, however, along with the recovered contraband, a huge recovery of drug money totalling Rs.95,000/- was also effected from the petitioner. It has still further been submitted by the State counsel that the petitioner is a habitual offender as it is a matter of record that she is facing trial in 4 other cases under the NDPS Act. It has been submitted that the petitioner had misused the concession of bail which had been granted to her in other 4 criminal cases registered under the NDPS Act on 10.05.2022, 15.05.2022, 28.11.2022 and 11.08.2023. State counsel further submits that in view of the criminal antecedents of the petitioner and she *prima facie* being a habitual offender, she does not deserve the concession of bail as there is a genuine apprehension that she could yet again be involved in a similar crime. State counsel has further submitted that the trial has been proceeding at considerably good pace with the next date before the Trial Court being 15.04.2025 when the prosecution evidence is to commence.

I have heard learned counsel for the parties and examined the material on record.

Prima facie, the petitioner comes across as a habitual offender. She was apprehended at the spot and thereafter the alleged recovery of contraband effected from her along with the huge amount of drug money

totalling Rs.95,000/- leading to the addition of the offence under Section 27-A of the NDPS Act. It also seemingly comes across that the petitioner has been misusing the concession of bail granted to her in the other cases pending against her under the NDPS Act because the instant crime has been committed during the time when she was on bail.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it appropriate to extend concession of bail to the petitioner.

Accordingly, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

18.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No