

2025:PHHC:155850



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

107

**CRM-M No.59422 of 2024
Date of Decision: 11.11.2025**

Bijati Devi alias Bejanti Devi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tanvir S. Grewal, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of FIR No.58 dated 23.06.2024 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) at Police Station Sadar Rajpura, District Patiala.

2. As per the allegations, on the intervening night of 22/23.06.2024, a police party headed by Inspector Kirpal Singh was present at GT Road in front of AGM Resort, Village Basantpura in

2025:PHHC:155850



connection with checking duty and a barricade had been laid. At about 1:40 AM, one bus arrived at the check post and one female alighted from the same. She was carrying a backpack over her right shoulder and started moving with fast paces. On suspicion, she was stopped. On asking, she disclosed her name as Bijati Devi. On checking, 2 kgs. of charas kept in a polythene bag was recovered from her backpack which was taken into possession. The petitioner was formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. No independent witness was joined at the time of effecting the alleged recovery. The mandatory provisions of Section 50 of NDPS Act were not followed. None of the occupants of the bus was joined into investigation.

4. It is further argued that infact at the same time, two more FIRs were registered against one Lalita Devi and Sudhi Devi respectively on totally identical allegations at the same police station and recovery of contraband is alleged to have been effected from them which shows that a false story has been concocted. The petitioner has clean antecedents. She is in custody since long. Her custodial interrogation would not serve any useful purpose. It is, therefore, urged that she deserves to be released on bail.

5. Per contra, learned Deputy Advocate General, Punjab has vehemently argued that there are serious and specific allegations against the petitioner. Commercial quantity of contraband was recovered from her.

2025:PHHC:155850



Rigors of Section 37 of NDPS Act are attracted in this case. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be found in conscious possession of commercial quantity of contraband. In **Dheeraj Kumar Shukla v. The State of Uttar Pradesh**, 2023 SCC OnLine SC 918, the Hon'ble Supreme Court had extended benefit of bail to an accused from whom commercial quantity of contraband was recovered by observing that in the absence of criminal antecedents and long incarceration, the condition of Section 37 of NDPS Act could be dispensed with keeping in view the fact that trial was likely to take considerable time to conclude. Similarly in **Shince Babu v. The State of Kerala**, decided on 21.02.2024, MANU/SCOR/27340/2024, the petitioner who was accused of being found in conscious possession of huge quantity of contraband was extended benefit of bail keeping in view his long incarceration. In **Sohrab Khan v. The State of Madhya Pradesh**, decided on 13.08.2024, SLP (Crl.) 7115-2024, the petitioner was accused of being found in possession of commercial quantity of contraband. Considering the fact that he had no criminal antecedents coupled with the circumstance that he had already undergone a period of 1 year and 4 months in custody, the Hon'ble Apex Court had extended benefit of bail to him. Similarly, in **Ramlal v. The State of Rajasthan**, 2024 SCC OnLine SC 2594; **Sabat Mehtab Khan v. The State of Maharashtra**, decided on 03.09.2024, SLP (Crl) 8557-2024; **Md. Tajiur Rahaman v. The State of**

2025:PHHC:155850



West Bengal, decided on 08.11.2024, SLP (Crl.) 12225-2024 and **Bhola Shikari v. The State of Chhattisgarh**, decided on 11.11.2024, SLP (Crl.) 13236-2024, the benefit of bail had been given to the persons accused of similar offence keeping in view the period of their incarceration, criminal antecedents and the fact that conclusion of the trial was likely to take time. In this case, the petitioner is in custody since 23.06.2024 i.e. for a period of 1 year, 4 months and 19 days. She has no criminal antecedents. There is no likelihood of conclusion of trial in near future as no prosecution witness has been examined so far. The prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution of India and in view of the ratio of law as laid down in the cases cited above as well as in **Rabi Prakash vs. State of Odisha, 2023 Live Law (SC) 533; Ankur Chaudhary vs. State of Madhya Pradesh, 2024 (4) RCR (Criminal) 172; Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 AIR(SC) 1648; Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51 and Bhupender Singh vs. Narcotic Control Bureau, (2022) 2 RCR (Criminal) 706;** keeping in view the fact that the petitioner is in custody since 23.06.2024, she is a first offender, this Court is of the considered opinion that she is entitled to be extended benefit of bail and there would be no justification for her continued detention during the course of trial. As such, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing



personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. The petitioner shall, however, abide by the following conditions:-

- (i) The petitioner shall not misuse the liberty as granted.
 - (ii) She will not tamper with evidence.
 - (iii) She will not absent herself on any date before the trial Court unless her presence has been exempted by securing appropriate orders.
 - (iv) She will not commit any offence while on bail.
 - (v) She shall surrender her passport, if any, with the trial Court.
 - (vi) She will also give the details of her cell phone number to the Investigation Officer/SHO of concerned Police Station and shall not change the same during the trial without prior permission of the trial Court.
8. In case of breach of any of the aforementioned conditions and those which may be imposed by the trial Court or upon showing any other sufficient cause, the State shall be at liberty to move application for cancellation of bail of the petitioner.

11.11.2025
manju

(MANISHA BATRA)
JUDGE

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