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2025.PHHC.013160



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

CRM-M-65181-2024

Date of Decision: 29.01.2025

ANJALI

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.166 dated 09.11.2024 registered for the offences punishable under Sections 21(b) and 27-A of NDPS Act at Police Station Dinanagar, District Gurdaspur.

2. The allegations in brief against the present petitioner are that police recovered 9.13 grams of heroin and drug money worth Rs.1700/- from the present petitioner on 09.11.2024 and the present petitioner was arrested at the spot.

3. Counsel appearing on behalf of petitioner submits that petitioner is falsely implicated in the present case and further the



aforesaid contraband comes under non-commercial quantity and thus is not covered under rigors of Section 37 of NDPS Act. It is further submitted that petitioner is not involved in any other case under NDPS Act and police has failed to present challan against the petitioner within the prescribed statutory period of 60 days and presently the petitioner is lodged in judicial custody and even after the presentation of challan, it will take time for the trial to conclude. So, prayer is made that petitioner be enlarged on regular bail at this stage.

4. Notice of motion.

5. Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and while resisting the present petition on instructions from ASI Ravinder Singh submits that petitioner was arrested by the police along with 9.13 grams of heroin on 09.11.2024 and presently she is lodged in judicial custody. However, the State counsel has not disputed the fact that till date the police has not presented any challan against the petitioner and it will take time to do so as in the present case certain drug money was recovered from the petitioner at the time of her arrest and further in the present case, FIR is also registered under Section 27-A of NDPS. The State counsel has also not disputed the fact that petitioner is having no criminal antecedents under NDPS Act.

6. I have considered the submissions made by the counsel for the parties.

7. In view of the fact that the recovery effected from the petitioner comes under non-commercial quantity and thus stringent provisions of Section 37 of NDPS Act are not attracted to the instant case and further the petitioner is incarcerated for the last more than two and a half months and police is still to present challan against the petitioner, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.01.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No