

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:178520



218

CRM-M-70400-2025 (O&M)

Date of decision:23.12.2025

Billo

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Simranjit Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in case bearing FIR No.115 dated 01.06.2025, registered under Section 21 of NDPS Act, at Police Station Division No.6, District Ludhiana.

2. As per the allegations, on 01.06.2025, the petitioner was apprehended on the basis of suspicion and 5 grams of heroin was recovered from her conscious possession. She was formally arrested. Recovered contraband was taken into possession by the police. Investigation now stands completed and challan has been presented in the Court.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is in custody since 03.06.2025.

Rigors of Section 37 of the NDPS Act are not applicable qua her. False

recovery has been planted upon her. She has a 04 years old child to look after. She is on bail in other cases as registered against her. Her previous petition was dismissed as withdrawn as it was filed just after her being arrested. The circumstances have changed now. Her continued detention would not serve any useful purpose. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner. The petitioner is a habitual offender. She had been convicted previously for possessing 01 gram of heroin. There are chances of her committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. Petitioner is alleged to have been found in conscious possession of 05 grams of contraband which is of non-commercial quantity. She is in custody since 03.06.2025. Rigors of Section 37 of the NDPS Act are obviously not attracted qua her. Investigation now stands completed. She is not required for further investigation. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner has made out a case for release on bail and her pre-trial incarceration is not required. It is well settled proposition of law that pre-trial incarceration of an accused should not be replica of post conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to her

furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

23.12.2025

(MANISHA BATRA)
JUDGE

harjeet

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