



228

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

CRM-M-10226-2026

Date of decision : 04.05.2026

Balwinder Kaur @ Makhni**.....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sahil Rathaur, Advocate for
Mr. Himanshu Bansal, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.258 dated 27.12.2025, under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nathana, District Bathinda.

2. Succinctly the facts of the case are that the Police party while on patrolling on 27.12.2025, when reached near Hotel Grade Spire, saw a woman at a short distance who was searching something in a white transparent polythene envelope, which she was holding in her hand. On suspicion, she was apprehended by the police party and on asking, she disclosed her name to be Balwinder Kaur @ Makhni(petitioner herein). She was suspected to be carrying some contraband in the envelope which she was holding and thus, search was conducted. On conducting the



search, 1 kg 500 grams Ganja was recovered from the same. She failed to produce any license regarding possession of the same and thus, the FIR was registered and she was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Bathinda praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court, Bathinda vide order dated 30.01.2026. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is blatant violation of provisions of Section 50 of NDPS Act in conducting the search and thus, the conscious possession is also not proved. He submits that the petitioner has been falsely implicated in 10 other cases and thus, she has been roped in the present case as well. He submits that the alleged recovery is of 1 kg 500 Ganja, which falls under the category of non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Mr. Pritpal Singh, PPS, Deputy Superintendent of Police, Sub Division Bhuchio, District Bathinda has been filed on behalf of respondent-State in the Court, same is taken on



record.

5. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender as she is involved in 10 other cases. He, on instructions, has submitted that investigation is complete and charges have been framed and out of total 9 prosecution witnesses, none has been examined so far. He has produced the custody certificate of the petitioner on record.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case has been effected from a public place. There is violation of provisions of Section 50 of NDPS Act, has been vehemently contended. Admittedly, the alleged recovery falls under the category of non-commercial quantity. As per custody certificate, the petitioner has suffered incarceration of 04 months and 05 days as on 03.05.2026. It further reflects that the petitioner is involved in 10 more cases, however, she is on bail in those cases. As submitted before this Court, out of total 09 prosecution witnesses, none witness has been examined till date.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner



is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.05.2026
ps-I

Whether speaking/reasoned

Whether reportable

:

:

JUDGE

Yes/No

Yes/No