



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

211

CRM-M-16314-2026.

Date of Decision: 01.04.2026.

Lalita

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Divya Arora, Advocate for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

Present petition has been filed under Section 483 of BNSS (corresponding Section 439 Cr.P.C.) seeking regular bail to the petitioner in case FIR No.266 dated 04.06.2024 under Section 18-B of NDPS Act, 1985 (Sections 27-A, 29 and 31 of NDPS Act added later), registered at Police Station City Hisar, District Hisar.

2. The first bail petition was withdrawn by the petitioner, vide order dated 01.04.2025 passed in CRM-M-698-2025 (Annexure P-10).

Again, second bail petition was withdrawn by seeking liberty to file a fresh petition with better particulars, vide order dated 27.02.2026 passed in CRM-M-10694-2026 (Annexure P-11).

3. Learned counsel for the petitioner argues that, petitioner is in custody for a period of 01 year, 09 months and 26 days. She alleges false implication of the petitioner in the present case. The contraband was allegedly

recovered from under a bench, on which she along with three others were stated to be sitting. It is debatable that she was in the conscious possession of the contraband. The mandatory provisions of Section 42 of NDPS Act were not complied with. No independent witness was joined at the time of alleged recovery.

Learned counsel further urges that co-accused Raju Bairagi, who was sitting along with her, has been granted bail by the Coordinate Bench of this Court, vide order dated 08.12.2025 passed in CRM-M-63277-2025 (Annexure P-5) and co-accused Kamla Devi @ Kamla Bai has also been granted bail by the Coordinate Bench of this Court, vide order dated 05.02.2026 passed in CRM-M-5269-2026 (Annexure P-3). Further, co-accused Bagdi Rai has also been extended the benefit of bail by the Coordinate Bench of this Court, vide order dated 21.12.2025 passed in CRM-M-71277-2025 (Annexure P-4)

Apart other co-accused, who were involved in the case on the disclosure statements, have also been granted bail by the Coordinate Bench of this Court vide orders dated 27.09.2024, 23.04.2025, 19.08.2025 and 21.08.2025 (Annexures P-6 to P-8). Charges have been framed on 04.02.2025; however, out of total 30 prosecution witnesses, only 06 have been examined. She is not involved in any other case. Therefore, it is prayed that the petitioner also deserves to be extended the same benefit of regular bail.

4. On the other hand, learned State counsel submits that the commercial quantity of contraband has been recovered from the petitioner and her co-accused. However, he is unable to controvert the submissions with regard to stage of the case; co-accused enlarged on bail and the petitioner being not involved in any other case.

5. I have considered the submissions addressed by learned counsel for the parties.

6. Hon'ble Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year, 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to the achieving of balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

7. The Coordinate Bench of this Court in the case of **Balraj Singh vs. State of Punjab** CRM-M57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted if bail to the petitioner therein, after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.02.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

8. Considering the facts in totality and primarily that petitioner is in custody for 01 year, 9 months and 26 days; co-accused are on bail, not involved in any other case; charges were framed on 04.02.2025; out of 30 prosecution witnesses only, 06 have been examined; the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed. The petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/

Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

(SANJAY VASHISTH)
JUDGE

01.04.2026

jitender

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