

**CRM-M-15610-2026****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****204****CRM-M-15610-2026****Decided on :27.03.2026**

Preeti Kaur @ Kaki

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.349 dated 02.08.2025, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Barnala, District Barnala.
2. On receipt of secret information regarding petitioner's alleged involvement in the illegal sale of intoxicating bottles, FIR in question was registered against the petitioner prior to the actual recovery. During the investigation, raid was conducted, and 11 bottles of intoxicant syrup labeled 'ONEREX', each containing 100 ml, were recovered from the possession of the petitioner. As per the FSL report, the syrup was found to contain 'Codeine phosphate'.
3. Learned counsel for the petitioner contends that petitioner is a young girl, aged 18 years, and has been implicated in a false case. Counsel submits that the petitioner is in custody for a period of last nine months and that no other case was ever registered against her. Counsel further submits that maximum non-commercial quantity of

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Codeine phosphate as per the Schedule is 1000 ml, whereas the total recovered quantity from the bottles amounts to 1100 ml, which is only 100 ml above the non-commercial limit.

Learned counsel therefore submits that, as the recovered quantity is only marginally higher than the non-commercial limit and in view of the provisions of Section 480(1) of the BNSS, a lenient view may be taken, and the petitioner may be granted bail.

4. On the other hand, learned State counsel submits that commercial quantity has been recovered from the possession of the petitioner, and no leniency can be applied, and therefore prays for dismissal of the present petition.

However, learned State counsel is unable to controvert the primary contention that petitioner is a young girl, aged 18–19 years, and has never been involved in any similar activity in the past. It is also not disputed that the petitioner is in custody for a period of about seven months and that the recovered quantity exceeds the non-commercial limit by only 100 ml.

5. I have heard learned counsel for the parties and perused the paper-book along with the documents appended thereto.

6. The legislation, namely the **BNSS Act, 2023**, provides special provisions for the release on bail of certain categories of persons, including women, children, Sicks, and infirm persons while in custody. For reference, Section 480(1) of the BNSS Act reads as under:



“480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be



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sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.

- (2)xxxxxxxx*
- (3) xxxxxxxx*
- (4) xxxxxxxx*
- (5) xxxxxxxx*
- (6)xxxxxxxx*
- (7)xxxxxxxx”*

7. Considering that petitioner is a young woman, and in view of the provisions of Section 480 of the BNSS Act, a lenient view is warranted. Petitioner is in custody for a period of about seven months. Her involvement in the alleged offence is yet to be established beyond doubt, and, particularly noticing that she is a first-time offender deserves an opportunity to rehabilitate herself in society. Moreover, this Court is of the opinion that conclusion of the trial is likely to take a considerable period of time. In these circumstances, this Court finds merit in the petitioner’s prayer.

Accordingly, without expressing any opinion on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the



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satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq
Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. 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.

9. 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.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.03.2026

Rashmi

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