



CRM-M-31694-2025

-1-

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

CRM-M-31694-2025

Date of Decision: 23.03.2026

Najma @ Parveen

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Dhawan, Advocate, for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.44 dated 01.03.2025, registered under Section 22 of NDPS Act, 1985, at Police Station Maqsudan, District Jalandhar (Rural).
2. Succinctly, facts of the case are that on 01.03.2025 the police party while on patrolling when reached Randhawa Bridge, they saw one lady riding on Activa scooter. On seeing the police, she got perplexed and tried to turn back the Activa scooter. However, on the basis of suspicion, she was apprehended by the Police and on asking, she disclosed her name to be Najma @ Parveen (petitioner). She was suspected to be carrying some contraband in the Activa Scooter. Thus, search of the Activa Scooter was conducted. On conducting search of diggy of the Active scooter, 265 intoxicating tablets were recovered from the same. She failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, she was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of regular bail. However,



after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 09.05.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of the prosecution, recovery of 265 intoxicating tablets containing Etizolam was recovered from the diggy of the scooter on which the petitioner was riding. He submits that the alleged recovery from the petitioner was effected from a public place, however, no independent witness has been joined. He submits that the alleged recovery was effected from the diggy of the scooter and thus, conscious possession of the same is also not proved. He vehemently contends that the alleged recovery has been effected in a blatant violation of Section 50 of the NDPS Act as the same was not effected before the Gazetted officer or the Magistrate. He submits that though the petitioner has been falsely implicated in other cases, however, she is on bail and out of those cases, in two cases, she has been arrested on the basis of the production warrants. He submits that the petitioner is behind the bars from the last more than one year, however, there is no material progress in the trial. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. She submits that the petitioner is a habitual offender and she was arrested on the spot in the



CRM-M-31694-2025

-3-

present case. It is submitted that it is a case of chance recovery. It is submitted that as per the FSL report, the contraband recovered from the petitioner was found to be more than 27 grams of Etizolam, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, she has submitted that out of total 16 prosecution witnesses, two witnesses have been examined till date. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 27 grams of Etizolam was effected from a public place. As contended before this Court, no independent witness has been joined. It is also contended that there is violation of Section 50 of the NDPS Act. The custody certificate would show that the petitioner has suffered incarceration of 01 year & 19 days as on 21.03.2026. As per the custody certificate, though the petitioner is involved in six other case, however, she is on bail in three cases. Out of total 18 prosecution witness, two prosecution witnesses have been examined.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under



Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the 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 sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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



CRM-M-31694-2025

-5-

ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, her custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.03.2026

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No