

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-48349 of 2025****Date of Decision: 05.02.2026**

Anju

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Sumit Dua, Advocate
for the petitioner(s).Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.**Surya Partap Singh, J.**

1. This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No. 22 dated 27.02.2025 lodged in Police Station Sadar Nakodar, District Jalandhar, Punjab for the commission of offence punishable under Section 22 [Section 29 added later on] of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as “the NDPS Act”.

2. The above mentioned FIR came into being when the motorcycle bearing registration No. PB-08-EX-5331 was intercepted by a police party headed by ASI Major Singh. According to prosecution, the petitioner was pillion rider on the above mentioned motorcycle and that the driver of above mentioned motorcycle had thrown a wax envelope on the road side. According to prosecution when the contents of above mentioned

bag were checked, 308 pills containing salt of 'Etizolam' were recovered.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case without any fault on her part as she was only the pillion rider and was not in conscious possession of contraband. It has also been contended by learned counsel for the petitioner that the petitioner has responsibility of two years old daughter who is residing with her in the jail premises itself, and that the trial is taking place at snail's pace as out of twelve only two prosecution witnesses have been examined so far.

5. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the recovery of contraband from the possession of petitioner and her co-accused comes within the ambit of commercial quantity and therefore, unless the twin conditions enshrined under Section 37 of the NDPS act are complied with, the petitioner should not be afforded the benefit of bail. As per learned State counsel the petitioner has failed to satisfy any of the two conditions.

6. The record has been perused carefully.

7. A perusal of the record shows that in the present case, the total custody period of petitioner is not even one year and therefore, by any standard it cannot be said that the petitioner is facing prolonged incarceration due to delay in trial. In fact, the period of detention is not, too long period that an inference regarding delay in trial should be drawn. Otherwise also, out of 12 prosecution witnesses two have already been examined and therefore, at this stage no ground exists to relax the conditions

enshrined under Section 37 of the NDPS Act.

8. As a sequel to above mentioned observations, it is hereby held that the present petition is devoid of any merits and deserves dismissal. Thus, the present petition is hereby **dismissed**.

9. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 05, 2026
“DK”

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