



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

218

**CRM-M-51198-2025 (O&M)
Date of decision : 21.01.2026**

Sheela Rani @Mesho

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Damanjit Singh Sandhu, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Sections 22 and 29 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.15 dated 05.03.2025 has been lodged in Police Station Chabbewal, District Hoshiarpur. The petitioner is being prosecuted for the commission of abovementioned offence and she has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being when a police party headed by ASI Paramjit Singh, travelling in an official vehicle from Police Post Jejo to Police Station Chabbewal, on the basis of suspicion intercepted a motorcycle carrying two persons. As per prosecution on enquiry, the rider of the motorcycle disclosed his name as 'Buddhu Kuma @Bittu' and the pillion rider as 'Sheela Rani



@Mesho' (petitioner herein). It was further reported by the above-named police official that when the contents of polythene bag being carried on motorcycle were checked, 110 gms of narcotic substance was recovered, which was later on found to be Alprazolam.

3. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

4. The learned State Counsel has already filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that she has been falsely implicated in the present case. It has also been contended by learned counsel for the petitioner that being female the petitioner deserves a lenient and considerate view.

7. In addition to above, the learned counsel for the petitioner has also argued that for recovery of contraband, no role can be attributed to the petitioner, as she was a pillion rider and the polythene-bag, containing contraband, was allegedly found on the motorcycle being driven by the co-accused. As per learned counsel for the petitioner, the petitioner has already suffered a long incarceration for being in custody for a period of almost ten and a half months, and that trial is not likely to be concluded in near future.



8. *Per contra*, the learned State Counsel has submitted that the petitioner does not have clean antecedents, and that in the past also, she has been prosecuted in four other cases under NDPS Act. In addition to above, the learned State Counsel has also contended that the presence of petitioner has been sought in five other cases and her production warrants have been issued by different Courts. According to learned State Counsel otherwise also the recovery of contraband in the instant case comes within the ambit of 'commercial quantity', and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be enlarged on bail.

9. The record has been perused carefully.

10. The allegations against the petitioner are that she was pillion rider on the motorcycle, whereupon commercial quantity of contraband was being carried. Since the contraband was being carried on the same motorcycle on which the petitioner was travelling, it is hereby held that without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be afforded the benefit of bail.

11. In the instant case, it is also relevant to mention here that the total custody of the petitioner is only ten and a half months which, by any standard, cannot be treated to be a period of prolonged incarceration. In addition to above, it is also relevant to mention here that the petitioner does not have clean antecedents, as already she is facing prosecution in four other cases under NDPS Act. The record shows that there is nothing on record to



show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.

12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

13. Accordingly, the present petition is hereby *dismissed*.

14. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

21.01.2026
Gaurav Thakur

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