



208

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

CRM-M-52074-2025

Date of decision : 09.04.2026

Amandeep Kaur

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harlove Singh Rajpur, Advocate
Mr. Manjot Singh Bhullar, Advocate and
Mr. Harman Bir Singh Juneja, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.86 dated 03.07.2025, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sudhar, District Ludhiana Rural.

2. Succinctly the facts of the case are that the Police party while on patrolling on 03.07.2025, saw a woman standing on the bridge near Budhel, who on seeing the police got perplexed and threw a black envelope which she was holding in her right hand. On suspicion, she was apprehended by the police party. On asking, she disclosed her name to be Amandeep Kaur @ Amne. She was suspected to be carrying some contraband in the envelope being thrown by her and thus, the search of the same was conducted. On conducting the search, 255 grams of intoxicant powder was recovered from the envelope having been thrown by her. She

failed to produce any license regarding possession of the same and hence,



the FIR was registered and she was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court, Ludhiana vide order dated 08.09.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the recovery was effected from the envelope allegedly thrown by the petitioner and thus, no conscious possession has been proved. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. To buttress his arguments, he submits that the petitioner is has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last more than 1 ½ years, however, there is no material progress in the trial. He submits that at the time of her arrested, she is not even provided the ground of arrest. He submits that even otherwise the alleged recovery effected is 255 grams of heroin whereas the quantity above 250 grams of heroin is commercial quantity and thus, the alleged recovery from the petitioner is marginally above the commercial quantity and thus, it is debatable whether the weight of the contraband recovered was commercial or non-commercial in nature. He thus, submits that in the facts and circumstances of the case, the petitioner



deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery has been effected from an envelope having been thrown by the petitioner on seeing the police party. He submits that alleged recovery effected is of 255 grams of heroin, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that investigation is complete and challan has been presented, however, charges are yet to be framed. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on 03.07.2025. The alleged recovery from the envelope having been thrown by the petitioner is 255 grams of heroin, which is marginally above the commercial quantity. The alleged recovery has been effected from a public place and there is blatant violation of provisions of Section 50 of NDPS Act, as argued before this Court. As per custody certificate, the petitioner has suffered an incarceration of 09 months and 02 days as on 08.04.2026. It further reflects that the petitioner has no criminal antecedents as she has never been involved in any other case. Investigation is complete and challan has been presented.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

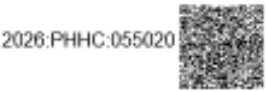
20. xxxxx

21.it 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.

22. xxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by



both the parties before the trial Court.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.04.2026
ps-I

Whether speaking/reasoned

Whether reportable

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(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No