



CRM-M-62794-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-62794-2025
Decided on :04.02.2026

Jyoti

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in FIR No.100 dated 11.07.2024, under Sections 21, 22 and 29 of NDPS Act, registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. At the very outset, learned counsel for the petitioner points out that the first bail petition, i.e. CRM-M-31654-2025, was disposed of as withdrawn by the Co-ordinate Bench of this Court vide order dated 10.09.2025, with liberty granted to the petitioner to file a fresh petition after the completion of one year of sentence period. Hence, present second petition has been filed.

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3. As per the case of the prosecution, petitioner was apprehended along with a polythene bag, which she allegedly threw from her right hand upon seeing the police party. Upon conducting a search, heroin weighing 03 grams and 31 tablets of Etizolam were recovered from the said polythene bag. On weighing, the salt content of the Etizolam tablets was found to be 119 mg each, amounting to a total of 3.689 grams.

4. Learned counsel for the petitioner contends that although the quantity of Etizolam recovered is more than 2.5 grams, the same is only marginally above the maximum quantity prescribed for non-commercial quantity, i.e. 2.5 grams. Learned counsel for the petitioner further contends that petitioner is in custody for the last one year and sixteen days, and out of a total of 10 prosecution witnesses, only one has been examined so far; therefore, the culmination of the trial is likely to take a considerable time.

5. Learned counsel for the petitioner also submits that although petitioner is shown to be involved in three other cases, all of them are under the Excise Act. To petitioner's advantage, Counsel further submits that present case is her first case under the NDPS Act and, therefore, she deserves an opportunity to rehabilitate herself in the normal course of society.

6. On the other hand, learned State counsel has filed the custody certificate and acknowledged the period of custody already undergone by the petitioner, as well as the fact that no other case under



the provisions of the NDPS Act is pending against her. However, learned State counsel opposes the prayer for bail on the ground of the seriousness of the offence and the nature of the allegations levelled against the petitioner, and therefore, prays for dismissal of the present petition.

7. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report.

8. In the entirety of the circumstances, petitioner is in custody for the last one year and sixteen days, and the trial has not progressed at the required pace. The quantity of contraband allegedly recovered is either marginally above or below the threshold for commercial quantity, and there is no direct evidence against the petitioner placed on record at this stage. Considering the prolonged period of incarceration, the absence of prior convictions under the NDPS Act, and petitioner's potential for rehabilitation, this Court finds merit in the prayer for bail. Consequently, the present petition is allowed, Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. 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.



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10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

04.02.2026

Rashmi

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