



CRM-M-64820-2025

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

CRM-M-64820-2025

Date of Decision: 11.03.2026

Rajni Devi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baljeet Singh Kathuria, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, 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.110 dated 18.07.2025, registered under Section 22 of NDPS Act, 1985, at Police Station Mahilpur, District Hoshiarpur.
2. Succinctly, facts of the case are that on 18.07.2025 the police party while on patrolling when reached near the T-point, village Halluwal, they saw a lady was coming on foot. On seeing the police, she got perplexed and tried to escape. However, she was apprehended by the Police and on asking, she disclosed her name to be Rajni Devi. She was suspected to be carrying some contraband and thus, she was given offer to be searched. Rajni Devi reposed faith in the police party and subsequently on due compliance of the NDPS Act, search was conducted. On conducting search, a heavy thing was found tied on one side of her *duppatta* and after opening one black coloured envelop was recovered. On checking of the same, 135 grams of intoxicant powder was found. 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, Hoshiarpur 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 26.08.2025. 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 the alleged recovery of 135 grams of intoxicant powder containing Alprazolam, is totally planted one. Admittedly, on 18.07.2025, the petitioner was present in the District Courts at Hoshiarpur to face trial in another FIR No.119. He submits that on the very same day, place of recovery from village Halluwal to the Court complex where she has been shown to be present, is at distance of 30 kms. He submits that thus, false implication of the petitioner is writ large. It is submitted that though the petitioner is facing prosecution in four other cases, however, in one case, she has already undergone the sentence awarded to her, whereas, in other cases, she is on bail. He submits that the investigation is complete, challan is presented and charges are also framed. He vehemently contends that the alleged recovery is from the personal search of the petitioner and there is blatant violation of Section 50 of the NDPS Act as the same was not effected before the Gazetted officer or the Magistrate. He further submits that the alleged recovery was effected from a public place, however, no independent witness has been joined. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be



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granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that recovery was effected from the personal search of the petitioner, however, the same was effected on due compliance of the NDPS Act. He submits that on conducting search, 135 grams of intoxicant powder containing Alprazolam was recovered from the petitioner, which is a commercial quantity in nature and thus, provisions of Section 37 of the NDPS Act are attracted. He also contends that the petitioner is a habitual offender. On instructions, he has submitted that out of total 11 prosecution witnesses, no witness has been examined till date. He 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 135 grams of intoxicant powder 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 07 months & 19 days as on 10.03.2026. As per the custody certificate, though the petitioner is involved in four other cases, however, she is on bail in two cases and in one case, she has already undergone the sentence. Out of total 11 prosecution witness, no prosecution witness has 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 ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.03.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No