



CRM-M-65177-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 11.02.2026

Seeta Devi @ Babita Devi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Sidhant Bhonsle, Advocate
for the petitioner(s).

Mr. Rahul Jindal, AAG Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Seeta Devi @ Babita Devi	93	13.06.2024	20 of NDPS Act	GRP Ludhiana	Government Railway Police, Ludhiana

2. Though it is a case of huge recovery of 10 Kgs of Charas from the possession of the petitioner. Still this Court would not be surprised to notice that in each and every case, for the last more than a period of two or three decades such kind of stories, which are verbatim same, have been introduced as prosecution version and one of the example is here before the Court. The petitioner, who is a



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woman, aged 49 years was noticed at railway station by the police officials alongwith her girl and white painted bag on her hips. On seeing the uniformed police party coming towards her, petitioner alongwith her daughter got up from the bench and started walking away with the bags. In the process, the petitioner was intercepted by the members of the police team and then on making search it was found to be 10 Kgs Charas.

3. Learned counsel for the petitioner argues that completely a false case has been planted against the petitioner, even the petitioner was never found indulged in such kind of activities ever in the past. Story put forth in the FIR is unbelievable because, the moment police team was approaching her, in ordinary course she would not lift the bag rather at first instance she will disassociate herself from the bag containing the contraband of Charas and thereupon would move all alone alongwith her daughter to shift to some other place.

Further submits that the petitioner is inside jail since 13.06.2024 i.e. for the last about 01 year and 08 months and till date only one witness that too partly has been examined, out of total 10 witnesses. Thus, submits that charges are yet to be proved and in the BNSS there is a specific provision regarding the plea of bail qua the women, sick and old age persons and, thus, he prays for grant of concession of regular bail to the petitioner as well.

4. Per contra, learned State counsel, while opposing the prayer for regular bail to the petitioner, submits that since, huge recovery of 10 Kgs of Charas is found to be there in possession of the petitioner, she does not deserve any leniency, however, he does not dispute the stage of trial and the incarceration period inside jail, already suffered by the petitioner i.e. more than 01 year and 08 months period. He is also not in a position to give any explanation, as to why one



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and same kind of story is put forth in all the NDPS cases by the police department, that too for the decades together.

5. I have considered the submissions in entirety and also looked at the first proviso of Section 480 of BNSS, 2023, which reads as under:-

480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life; (ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years: Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm: Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

(2) xxxxxxxxxxxx

(3) xxxxxxxxxxxx

(4) xxxxxxxxxxxx

(5) xxxxxxxxxxxx

(6) xxxxxxxxxxxx

(7) xxxxxxxxxxxx

6. Therefore, I deem it appropriate not to curtail personal liberty of



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petitioner, who is a woman and has already inside jail for a period of about 01 year and 08 months.

7. Consequently, prayer made in 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 11, 2026

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