



**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-66705 of 2025**

**Date of Decision: 19.02.2026**

Kaki Kaur alias Kaki

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Surya Partap Singh.**

Present: Mr. Mikhail Kad, Advocate  
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,  
Punjab, for the respondent.

**Surya Partap Singh, J.**

1. This petition for bail, which is the second petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed with regard to a case arising out of FIR No. 72 dated 26.07.2023 for the commission of offence punishable under Section(s) 22-C and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as “NDPS Act” only, lodged in Police Station Sadar Malout, District Sri Muktsar Sahib, Punjab.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of ‘ASI Mander Singh’ who had reported that on 26.07.2023 when he was leading a team of police officials deputed for patrolling near the bridge of minor Canal on village

Eina Khera via link road, one lady holding a polythene bag in her hand was spotted at road side. According to prosecution on the basis of her suspicious behaviour, on inquiries she disclosed her name as Kaki Kaur and on checking of bag, 40 intoxicating tablets containing sale of Etizolam (5.28 gm) were recovered.

3. As per prosecution, on recovery of above-mentioned contraband, the requisite formalities with regard to seizure and sealing of contraband, slapping of FIR, arrest of accused was performed and further investigation taken up.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent who has been falsely implicated in the present case, and that although this is second petition for bail, but the same is maintainable as the former petition was not decided on merits. According to learned counsel for the petitioner, the petitioner has already faced a prolonged incarceration for being in custody for a period of more than two years & six months, and that nothing is left to be recovered from the possession of petitioner. While claiming that due to delay in trial her right to life and personal liberty, vis-a-vis speedy trial, are being infringed, the benefit of bail for the petitioner has been sought for the petitioner.

6. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the recovery of contraband from the possession of petitioner comes within the ambit of

commercial quantity and therefore, unless the twin conditions enshrined under Section 37 of the NDPS act are complied with, the petitioner should not be afforded the benefit of bail. As per learned State counsel the petitioner has failed to satisfy any of the two conditions prescribed under Section-37 of NDPS Act.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-:-

- i) *firstly*, that the recovery of contraband from the possession of petitioner comes within the ambit of commercial quantity and therefore, unless the twin conditions enshrined under Section-37 of the NDPS Act are complied with, the petitioner cannot be afforded the benefit of bail;
- ii) *secondly*, that there is nothing on record to show that any of the twin conditions enshrined under Section-37 of the NDPS Act stands satisfied in the present case;
- iii) *thirdly*, that the trial in the present case is progressing at a reasonably fast pace as out of 19, only five prosecution witnesses are left to be examined. Thus, the trial is likely to be concluded in near future;
- iv) *fourthly*, that the petitioner does not have clean antecedents as in addition to present case she is facing prosecution in multiples cases under the NDPS Act.

9. Taking into consideration the cumulative effect of the above mentioned factors, it is hereby observed that the petitioner is not entitled for

the benefit of bail and the present petition being devoid of merits deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

February 19, 2026

“DK”

(Surya Partap Singh)

Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No