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

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CRM-M-44177-2024 (O&M)

Date of decision: 21.05.2025

Satya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in case bearing FIR No. 22 dated 27.03.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sherpur, District Sangrur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 27.03.2024, on the basis of a secret information, the petitioner was apprehended by the police party and recovery of 470 tablets of *Parazolam* and 390 tablets of *Uazol-0.50* (both having *Alprazolam* salt) was effected from the petitioner. Since the petitioner could not produce any permit or license to keep in her possession the recovered contraband, she was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. She had moved an application for

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grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 09.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. False recovery has been planted upon her. No independent witness was joined at the time of effecting aforesaid recovery. Even mandatory provisions of the NDPS Act were not complied. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 27.03.2024. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against her. FSL report has been received, as per which, the total weight of the contraband would fall under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The petitioner is a habitual offender as she is involved in a number of other cases registered against her under the NDPS Act as well as Excise Act. Trial is going on at a proper case. It is also argued that if the petitioner is released on bail, she may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner was apprehended by the police party on 27.03.2024 and recovery of total 860 intoxicant tablets of *Alprazolam* was

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effected from her. As per FSL report, the quantity of the recovered tablets would fall within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the status report would reveal that the petitioner is involved in multiple cases under the NDPS Act as well as Excise Act, out of which, she has been convicted in 04 cases under the NDPS Act and in 04 other cases of similar nature, she is facing trial. Similarly, she has been convicted in as many as 11 cases under the Excise Act. This goes to show that the petitioner is a habitual offender. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view her antecedents. Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

21.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*