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

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**CRM-M-46567-2024 (O&M)  
Date of decision: 07.05.2025**

**Saira Bibi****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. H. S. Bhogal, 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 FIR No. 127 dated 07.06.2023, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mahilpur, District Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.06.2023, the petitioner was apprehended by a police party headed by ASI Ram Lal and recovery of 30 injections of *Buprenorphine* IP 0.3 mg/2 ml (*Buprecel*) was effected from her. Since she could not produce any license or permit to keep in her possession the recovered drug, she was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial

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for commission of aforementioned offence. She was granted concession of interim bail by the learned trial Court awaiting the FSL report, vide order dated 13.09.2023. However, on receipt of the FSL report, wherein it was reported that the contraband recovered from the petitioner was containing *Buprenorphine Hydrochloride*, the interim bail granted to the petitioner was cancelled and she was taken into custody on 24.04.2024 and since then, she is in custody.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. Proper procedure as prescribed under the NDPS Act was not followed. Even no independent witness was joined at the time of effecting the alleged recovery. After re-arrest, the petitioner is in judicial custody since 24.04.2024. Investigation has since been completed and challan has been filed. The trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. She has not misused the concession of interim bail. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from her. She was nabbed at the spot. Her story regarding false implication and plantation of the recovered contraband is concocted one. FSL report has been received, as per which, *Buprenorphine Hydrochloride* salt has been found in the recovered contraband. It is further argued that since the quantity of the recovered contraband falls under the commercial quantity, the rigors of

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Section 37 of the NDPS Act would be attracted against the petitioner. The trial may be expedited. The petitioner may abscond or indulge in similar offences, if extended benefit of bail. Hence, it is urged 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. As per the allegations, the petitioner was apprehended by the police party on 07.06.2023 and recovery of 30 injections of *Buprenorphine* IP 0.3 mg/2 ml (*Buprecel*) was effected from her. The quantity of the recovered contraband obviously falls under commercial quantity as the threshold for commercial quantity of *Buprenorphine* is 20 ml. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in drug smuggling again cannot be stated to be unfounded at this stage. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from her, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that she does not deserve to be

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granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**07.05.2025**

*Wasim Ansari*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*