



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

219

CRM-M-61206-2024

Date of decision: 28<sup>th</sup> March, 2025

Dhanmaya

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Manmeet Singh, Advocate for the petitioner.

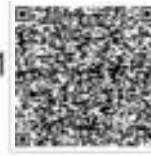
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 130 dated 19.04.2024 registered under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Zirakpur, District SAS Nagar, Punjab.

2. As per the allegations, on 19.04.2024, the petitioner along with the co-accused Bheem Kumari Rana and Bahadur Gharti was apprehended by a police party while making routine checking and 02 kgs 500 grams of *charas* was recovered from accused Bahadur Gharti, whereas, 01 kg each of *charas* was recovered from the conscious possessions of the petitioner as well as co-accused Bheem Kumari Rana. The total recovered *charas* was weighing 04 kg and 500 grams. The petitioner and co-accused were formally



arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case and a false recovery has been planted upon her. The alleged recovery is of non-commercial quantity from her. It is submitted that recovery allegedly effected from her cannot be clubbed with the recovery stated to be effected from the co-accused so as to make it a case of recovery of commercial quantity of contraband. There is no apprehension of her absconding, as her relatives are residing in District Kullu, Himachal Pradesh. Therefore, it is urged that she deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that the petitioner hails from Nepal. She has no permanent abode here. There are chances of her absconding, if extended benefit of bail. The collective recovery of *charas* is of commercial quantity. The trial has commenced and will be concluded in reasonable time. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused was apprehended by the police party on 19.04.2024 and recovery of 01 kg of *charas* was effected from her. The total recovered *charas* from the petitioner as well as co-accused was weighing 04 kg and 500 grams. The said quantity of the contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with



regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. The trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of trial. The petitioner was nabbed at the spot and aforesaid recovery of contraband was effected from her. She does not have a permanent abode in India and is a native of Nepal. The apprehension that she may abscond cannot be stated to be unfounded. In view of the above discussed facts, the nature of allegations levelled against her, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail. Hence, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**28<sup>th</sup> March, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned* : *Yes / No*  
2. *Whether reportable* : *Yes / No*