

(2011) 01 P&H CK 0273

In the Punjab And Haryana At Chandigarh

Case No : CRM-M No. 36504 of 2010 (O and M)

Deepo Bai

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 05-01-2011

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 15, 61

Citation : (2011) 01 P&H CK 0273

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Alok Singh, J.—This is an application seeking regular bail in case FIR No. 180 dated 11.9.2010 under Sections 15/61/85 of NDPS Act, P.S. Sidhwan Bet, District Ludhiana.

2. As per the version of the prosecution, on 11.9.2010, police party was going on a Govt. Jeep on patrolling duty and saw that one woman, who was sitting under a tree, started moving after seeing the police party. Police party recovered two bags from the road side in which 55 Kgs. Poppy husk was found.

3. Learned Counsel for the Petitioner has argued that nothing was recovered from the possession of the Petitioner. Even as per the FIR, Petitioner was not found sitting on the bags. Learned Counsel for the Petitioner further argued that as per the FIR, Petitioner was caught only on suspicion that the bags in question belong to her. He also argued that bags do not belong to the Petitioner and the Petitioner has nothing to do with the bags.

4. Learned Deputy Advocate General, Punjab has argued that bags were lying near the canal and the Petitioner was sitting under the tree near the bags and it should be presumed that the said bags were under the custody and possession of the Petitioner.

5. Considering totality of the facts and circumstances of the case, present petition is allowed. The Petitioner is directed to be released on bail during the trial to the satisfaction of the trial Court.