
(2011) 02 P&H CK 0155
In the Punjab And Haryana At Chandigarh
Case No : CRM M No. 2746 of 2011 (O and M)

Simranjit Kaur @ Madhu

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 28-02-2011

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 18

Citation : (2011) 3 RCR(Criminal) 92

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. 69 dated 12.10.2010 u/s 18 NDPS Act, P.S. Sarai Amant Khan, District Tarn Taran.

2. Learned Counsel for the Petitioner has stated that Petitioner is in judicial custody w.e.f. 12.10.2010. Learned Counsel for the Petitioner has argued that no narcotic substance was recovered from the custody or possession of the Petitioner - accused. Learned Counsel has pointed out from the FIR that as per prosecution story, Petitioner after seeing the police party has thrown away the bag on road from where narcotic substance was recovered by the police. Learned Counsel has further argued that recovery of narcotic substance from the bag lying on the road would not amount to recovery from the possession/custody of the accused. He has further argued that opium measuring 2 Kg 570 gms. is said to have recovered from the bag which is slightly more than permissible limit.

3. Learned Deputy Advocate General, Punjab, on the instructions of SI Joga Singh states that Petitioner has no criminal history before.

4. 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.