

**(2021) 03 P&H CK 0129**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous Petition (M) No. 10254 Of 2021

Balvir Kaur

APPELLANT

Vs

State Of Punjab

RESPONDENT

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**Date of Decision:** March 9, 2021

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 22, 29

**Hon'ble Judges:** Hari Pal Verma, J

**Bench:** Single Bench

**Advocate:** Rajesh Bhatheja, Manreet Singh Nagra

**Final Decision:** Allowed

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**Judgement**

Hari Pal Verma, J

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.136

dated 04.11.2020 under Sections 22 and 29 NDPS Act registered at Police Station Sadar Moga, District Moga.

As per the FIR, on the basis of a secret information, the police officials raided the house of the petitioner, where three women including the petitioner

were allegedly present and on the basis of disclosure statement of the petitioner, recovery of 1180 tablets of Clovidol-100 was made.

Learned counsel for the petitioner submits that it is on the basis of disclosure statement made by the petitioner, the aforesaid recovery i.e. 50 strips of

Clovidol-100SR (each strip containing 10 tablets) and 680 loose intoxicant tablets containing Tramadol Hydrochloride salt was made from the back of

one bed lying in the room in the residential area. He has referred to the disclosure statement (Annexure P-2) made by co-accused Gagan Bala to the

effect that Balvir Kaur, the petitioner, used to work in her house and the intoxicant tablets recovered from Balvir Kaur were given to her by Gagan

Bala. He has further submitted that Gagan Bala has already been admitted on bail by learned Special Court Judge, Moga vide order dated 23.11.2020

and therefore, the petitioner claims parity with her, more particularly when the alleged contraband was supplied by the said co-accused to the

petitioner. He has further submitted that the petitioner is in custody since 04.01.2020 and there is no other case under NDPS Act pending against the petitioner.

Learned State counsel does not dispute the custody of the petitioner, the alleged quantity of the contraband recovered in the case and the fact that

there is no other case under the NDPS Act pending against the petitioner.

I have heard learned counsel for the parties.

As per the statement of the co-accused Gagan Bala, the petitioner used to work in her house and the intoxicant tablets allegedly recovered from the

petitioner were given to her by Gagan Bala herself. Considering the fact that the petitioner is in custody since 04.11.2020 and no other case under the

NDPS Act has been pointed out against her, coupled with the fact that the co-accused, who admits to have supplied the alleged intoxicant tablets to

the petitioner, has already been admitted on bail, this Court finds that the petitioner deserves parity with co-accused Gagan Bala.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the

satisfaction of trial Court.

However, in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of bail

granted by this Court.