IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CNR No: PHHC011112072026

2026:PHHC:136838

224 **CRM-M-37822-2026**

Date of decision: 24th September, 2026

Babli Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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MANISHA BATRA, J (ORAL):-

The instant one is the second petition 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. 204 dated 28.06.2025 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station Urban Estate Rohtak, District Rohtak. Her previous petition bearing CRM-M No. 6076-2026 had been dismissed as withdrawn vide order dated 23.04.2026.

2. The aforementioned FIR was registered on the basis of a secret information received to the effect that the petitioner was standing near the bridge for selling contraband and could be apprehended, if a raid was conducted. Believing the secret information to be true, a raiding party was

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formed which reached at the informed place and the petitioner was apprehended with a polythene bag carrying in her hand. On conducting search, 270 grams of heroin was found in the same. The petitioner was formally arrested and the recovered contraband was taken into possession. Investigation now stands concluded and challan stands presented in the Court.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon her. It is argued that the mandatory procedure relating to arrest of a woman after sunset was not complied with. The mandatory provisions of the NDPS Act were also not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time as none out of 16 prosecution witnesses has been examined so far. The petitioner is in custody since 28.06.2025. She has clean antecedents. No useful purpose would be served by keeping her in custody anymore. It is, thus, urged that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioner has placed reliance upon the judgments cited as ***Samina Khatun vs. State of West Bengal, 2026 Law Finder (SC) 2492, Sangeeta vs. State of Haryana, 2024:PHHC: 104702.***

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was apprehended and recovery of commercial quantity of contraband was effected

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from her. The rigors of Section 37 of the NDPS Act would be attracted against herp. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is in custody since 28.06.2025. The quantity of the contraband recovered from her is marginally above than the commercial quantity, which is 250 grams for the said contraband. In ***Amritpal Singh vs. State of Punjab : 2022 (3) Law Herald 1996, Karandeep Singh @ Sunny vs. State of Punjab : 2021 (3) Law Herald 2230*** and ***Mandeep Singh alias Lakhari vs. State of Punjab : 2022 (1) Law Herald 74***, the accused, from whom the contraband marginally above the commercial quantity was recovered, were granted concession of bail. Though the allegations levelled against the petitioner make out a prima facie case against the petitioner for commission of subject offence, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time. The petitioner has remained in custody since long. Therefore, keeping in view the aforesaid facts as well as the ratio of law laid down in aforecited authorities, this Court is of the considered opinion that the petitioner deserves to be granted benefit of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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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.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th September, 2026
Parveen Sharma

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

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