

CRM-M No.25349 of 2023

Menka vs. State of Punjab

Present: Mr. Anmol Puri, Advocate for the petitioner.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.212 dated 20.12.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Samana, District Patiala.

Learned counsel for the petitioner inter alia submits that the petitioner, who is a lady, has been falsely implicated in the case in hand for allegedly throwing a polythene bag containing 1020 intoxicant tablets on seeing the police party. Learned counsel submits that there is a discrepancy in the number of intoxicant tablets recovered from the polythene bag allegedly thrown by the petitioner, as in the application filed for judicial remand, it was stated that the recovery was of 1000 tablets, whereas in the FSL report it had been stated that recovery was of 1020 intoxicant tablets. It has been submitted that false implication of the petitioner in the case in hand finds further credence from the fact that she has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. It has also been submitted that the alleged recovery is marginally higher than the minimum required under the commercial quantity with respect to Tramadol.

Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the petitioner is not involved in any other case under the NDPS Act. However, he submits that the charges have not yet been framed and they are likely to be framed on the next date of hearing fixed before the trial Court i.e. 01.06.2023.

In the circumstances, adjourned to 27.07.2023.

(MANJARI NEHRU KAUL)
JUDGE

May 24, 2023
rps