

Satya Devi Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Feb-03-2014

Appellant : Satya Devi

Respondent : State of Punjab

Judgement :

Criminal Misc.No.M-40108 of 2013 {1} IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Criminal Misc.No.M-40108 of 2013 Date of Decision: 03rd February, 2014 Satya Devi .Petitioner Versus State of Punjab .Respondent CORAM: HON'BLE Mr.JUSTICE NARESH KUMAR SANGHI Present: Mr.Surinder Singh Siao, Advocate, for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

*** Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of regular bail to petitioner Satya Devi who has been booked for having committed the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No.108, dated 14.09.2013, registered at Police Station, Sandaur, District Sangrur.

Learned counsel contends that the conscious possession of the contraband would be a moot point during the couRs.of trial; that independent witness was already present with the police party but the seal after use was not handed over to him;

that no gazetted officer was called on the spot to witness the recovery; that the alleged contraband was recovered from the place near the cremation ground but the Investigating Officer has not verified the ownership of the said land; that Investigating Officer had no device with him to recognize the contraband as poppy husk and merely from smell, he could not conclude that the material recovered was poppy husk.

Sharma Seema 2014.02.04 16:08 I attest to the accuracy and integrity of this document Chandigarh Criminal Misc.No.M-40108 of 2013 {2} Learned counsel for the State, on instructions from HC Jagroop Singh, Police Station, Sandaur, District Sangrur, submits that the petitioner is involved in three more cases of similar nature.

He further submits that the petitioner was arrested from the spot and the contraband of commercial quantity was recovered from her conscious possession.

He further submits that the investigation is going on and the arguments raised by the learned counsel for the petitioner have no relevancy at the stage of consideration of the bail.

It has been argued that Section 50 of the NDPS Act would not be applicable to the facts and circumstances of the present case.

Heard.

The non-commercial quantity of 60 kgs of poppy husk was allegedly recovered from the petitioner.

She is required in three more cases of similar nature.

No ground for grant of bail to the petitioner is made out.

Dismissed.

February 03, 2014 (Naresh Kumar Sanghi) seema Judge Sharma Seema 2014.02.04 16:08 I attest to the accuracy and integrity of this document Chandigarh Criminal Misc.No.M-40108 of 2013 {3} Sharma Seema 2014.02.04

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