

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-27262 of 2015
Date of decision: 08.09.2015

Manjit Singh alias Mintu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Manjit Singh alias Mintu for grant of regular bail in case FIR No.46 dated 31.03.2015 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act at Police Station Maqsudan, District Jalandhar City.

Learned counsel for the petitioner submits that the alleged recovery is 255 gms of heroin, which is marginally more than the non-commercial quantity and no other case under NDPS Act is pending against the petitioner. Learned counsel further submits that there is violation of mandatory provisions of Sections 42 and 50 of NDPS Act and the petitioner is in custody since 31.03.2015. All witnesses are official witnesses and as such, there is no possibility of influencing them. Learned counsel also submits that the weight of the container has not been excluded. Learned

counsel for the petitioner has also relied upon orders passed by this Court in **Criminal Misc. No. M-14560 of 2015 titled as Anthony @ Sabhi vs. State of Punjab, decided on 24.08.2015, Criminal Misc. No. M-21008 of 2015 titled as Vakil vs. State of Haryana decided on 01.09.2015 and Criminal Misc. No. M-29275 of 2015 titled as Sukhwinder Singh vs. State of Punjab, decided on 04.09.2015** wherein the recovery was marginally more than the non-commercial quantity and the petitioners have been released on bail.

Learned State counsel has not disputed the alleged recovery, custody period and also the fact that no other case under NDPS Act is pending against the petitioner but opposes grant of bail to the petitioner.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner; the alleged recovery, which is marginally more than the non-commercial quantity; the petitioner is in custody since 31.03.2015; no other case under NDPS Act is pending against him; challan has been presented and even charges have been framed; and the fact that all witnesses are official witnesses and question of influencing the witnesses does not arise, the present petition is allowed and the petitioner (Manjit Singh alias Mintu) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

08.09.2015
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(DAYA CHAUDHARY)
JUDGE