

214.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31364-2016

Date of decision:06.10.2016

Bikramjit Singh @ Vicky

... Petitioner

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab,
with ASI Rakesh Kumar.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.147 dated 19.08.2014 under Sections 21, 22 of NDPS Act, registered at Police Station Chatiwind, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner contends that the allegation against the petitioner is recovery of 100 grams intoxicating powder (diphenoxylate hydrochloride) which fall under commercial quantity. He states that petitioner is in custody since 25.05.2016 though earlier also he remained in custody from 20.08.2014 to 26.09.2014. He states that the trial in the case will take considerable time and there is no other case against the petitioner. He relies upon judgments of this Court i.e. **CRM-M-40677-2015 -Bachittar Singh Versus State of Punjab, dated 29.01.2016; CRM-M-**

30467-2015-Amandeep Singh @ Manna Versus State of Punjab, dated

08.02.2016 and CRM-M-43426-2015-Kartar Singh Versus State of Punjab, dated 05.01.2016, wherein under similar circumstances bail has been granted to the accused in those cases.

Learned State counsel has filed custody certificate of the petitioner and does not dispute the custody.

Heard.

It is the submission of the learned counsel for the petitioner that the petitioner is in custody since 25.05.2016 and the recovery of 100 grams of intoxicating powder was not effected from the personal possession of the petitioner and there is no other case against him under the NDPS Act.

Accordingly, without making any observations on the merits of the case, but taking into consideration the alleged recovery of 100 grams of intoxicating powder, coupled with the fact that the trial in the case will take long time, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found indulged in any other NDPS activity, the prosecution will be at liberty to seek cancellation of bail of the petitioner.

(HARI PAL VERMA)
JUDGE

06.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.