

CRM-M-34187-2016

Date of Decision : 26.10.2016

Navtej Singh @ Teja

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Manpreet Singh, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner was allegedly found in possession of 200 grams of intoxicating powder which was found to contain Alprazolam. He has been in custody with effect from 21.03.2016. No witness appears to have been examined. The claim of the petitioner is that recovery was not effected by the police party while patrolling but petitioner had been called to the police station on 21.03.2016. His mother has been kept in custody but she was released when petitioner had gone to the police station in presence of his villagers.

The defence of the petitioner cannot be appreciated while adjudicating his application for regular bail, in view of provisions of Section 37 of the NDPS Act. The petitioner, in order to substantiate his contention, has made available 50 affidavits of the residents of village Khote, Tehsil Nihal Singh Wala, District Moga. The photocopy of the affidavits, in vernacular, have been taken on record. The circumstances of the present case, appears to be extraordinary as large number of people have come forward with their affidavits.

Without entering into the niceties of the trial at this stage, taking into consideration the fact that no prosecution witness has been examined whereas the petitioner has been in custody with effect from 21.03.2016, in the circumstances, highlighted above, the petitioner can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

26.10.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No