

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-22939 of 2017

Date of Decision: 05.9.2017

Mithu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.S.Khinda, Advocate
for the petitioner.

Mr. A.S.Dhaliwal, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No. 48 dated 27.4.2017, under Section 21 of the NDPS Act, registered at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner states that as per the prosecution, 09 persons who were selling contraband in the house of Gurmail Singh, were apprehended and contraband was recovered from them. However, from the possession of the petitioner, only 15 grams of smack was allegedly recovered. The petitioner remained in custody for about two months and vide order dated July 07, 2017, passed by this Court, the petitioner was released on interim bail subject to furnishing bonds to the satisfaction of the Chief Judicial Magistrate/trial Court. He further states that the trial in the case will take long time and the alleged recovery is non-commercial.

Learned State counsel has filed short reply by way of affidavit

Sunam. He does not dispute the recovery and submits that 15 grams of smack was recovered from the possession of petitioner Mithu Singh. Total 710 grams of contraband was recovered from the spot and the same was found in conscious possession of 09 accused. Though, the petitioner was found in possession of 15 grams of smack which falls in non-commercial quantity but the fact remains that the petitioner along with other co-accused was found in possession of the contraband in the raid conducted by the police. Learned State counsel, on instructions from ASI Gurcharan Singh, states that no other case is pending against the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the alleged recovery is 15 grams of smack which is non-commercial quantity and no other case has been pointed out against the petitioner and the trial will take sufficient long time, the order dated July 07, 2017 granting him interim bail is made absolute.

However, it is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

(HARI PAL VERMA)
JUDGE

September 05, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No