

Ashok Kumar vs. *State of Punjab*

Present:- Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, AAG, Punjab.

The petitioner seeks grant of regular bail in FIR No.187 dated 30.08.2017 registered at Police Station Gobindgarh Mandi under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is the contention of learned counsel for the petitioner that the petitioner has been in custody since 30.8.2017 and the investigation is complete and challan stands presented. It is also submitted that the petitioner has been falsely implicated in this case as is evident from the CCTV footage of the neighbouring shop.

The plea of learned counsel for the petitioner is opposed by the learned State counsel on the ground that 1110 tablets of Diphenoxylate Hydrochloride have been recovered and the narcotic content thereof is 70 grams, which is above the commercial quantity. Thus, the bar of Section 37 of the NDPS Act is attracted in this case.

It is not in dispute that the investigation is complete and the challan has been presented and that no evidence has lead as yet. The petitioner has been in custody since 30.8.2017 and as on date it cannot be said that he is guilty of violating the provisions of the NDPS Act, 1985.

Since the investigation is complete, no useful purpose would be served by keeping the petitioner in custody any longer.

Accordingly, the petition is allowed and it is directed that the

petitioner be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

March 19, 2018

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(SUDHIR MITTAL)

JUDGE

Whether Speaking/Reasoned : Yes

Whether referred to Reporters : No