

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

CRM-M No.10676 of 2018

Date of decision : 16.05.2018

Binder Kumar @ Nikka

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. S. S. Brar, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

* * *

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.189 dated 25.12.2017 under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short– 'the NDPS Act') registered at Police Station Balachaur, Distt. Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of secret information. Earlier, the petitioner was released on interim bail as report of the Chemical Examiner was not received. No recovery was effected from the petitioner. There is non-compliance of Section 50 of the NDPS Act. Learned counsel also submits that the petitioner is in custody since

14.02.2018. The alleged recovery is marginally more than the non-commercial quantity. No purpose would be served by keeping the petitioner in custody any further.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner, but she does not dispute the custody period as well as the alleged recovery.

Keeping in view the custody period of the petitioner *i.e.* he is in custody since 14.02.2018 and before that he was on interim bail, the quantity of recovery which is marginally more than the non-commercial quantity and also the fact that no other case of NDPS Act is there against him, the present petition is allowed and petitioner namely Binder Kumar alias Nikka is directed to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate, Distt. S.B.S. Nagar.

16.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No