

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

CRM-M No.12720 of 2018

Date of Decision: 20.11.2018

Sucha Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by petitioner-Sucha Singh under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.12 dated 16.01.2018 registered under Sections 22/61/85 NDPS Act at Police Station Fattudhinga, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. As per allegations in the FIR, the alleged recovery was effected from the right pocket of trouser of the petitioner and 160 tablets were recovered. Learned counsel also submits that the mandatory provisions of Sections 50 and 42 of the NDPS Act have not been complied with. Petitioner is not having criminal background as only one case of NDPS Act is pending against him and he is on bail in said case. Learned counsel also submits that the FSL report has been received and the total recovered quantity comes to 23.04 grams, which is non-commercial.

Learned State counsel has not disputed the custody period; the

alleged recovery and also the fact that the petitioner is on bail in another case.

Keeping in view the alleged quantity; the stage of trial and also the fact that in one case of NDPS Act, the petitioner is on bail and other than that case, no other case is pending against him , the present petition is allowed and petitioner, namely, Sucha Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

20.11.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No