

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14671-2018

Date of decision: 19.04.2018

Bittu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.179 dated 02.12.2017 under Sections 22/61/85 of NDPS Act, registered at Police Station Guruharshai, District Ferozepur.

Learned counsel for the petitioner submits that as per the allegations levelled in the FIR, petitioner Bittu as well as co-accused Ramesh Kumar were given separate offer to be searched before the Magistrate or a Gazetted Officer and even the search was conducted separately. Counsel for the petitioner further submits that from the search of the petitioner, 60 intoxicant powder was recovered, whereas from the search of co-accused Ramesh Kumar, 160 grams of intoxicant powder was recovered. Counsel for the petitioner has thus submitted that it will be a debatable issued before the trial Court whether the separate recovery effected from two co-accused would fall in the

commercial quantity, as in case of recovery from the petitioner, it is 60 grams intoxicant powder, which fall in the category of non-commercial quantity. It is further submitted that the petitioner is in judicial custody for a period of 04 months and 15 days and conclusion of the trial will take long time.

The aforesaid factual position has not been disputed by learned State counsel, on instructions from HC Major Singh.

Without commenting on merits of the case, considering the fact that as per FIR, separate recovery was effected from petitioner Bittu, which fall in the category of non-commercial quantity; petitioner is not involved in any other case and he has undergone 04 months and 15 days of judicial custody, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.04.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No