

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

**CRM-M No.14773 of 2018
Date of Decision: 24.04.2018**

Angrej Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.29 dated 21.02.2018 registered under Sections 22/27 of the NDPS Act at Police Station Fattu Dhingra, District Kapurthala.

30 grams of the intoxicant substance was allegedly recovered from the petitioner. Petitioner and co-accused Navdeep Singh @ Navi were arrested. Silver paper, paper (panni) and lighter were recovered from the co-accused and intoxicant substance was recovered from the petitioner. Even as

per allegations, in the FIR, both the persons were found taking drug at the cremation ground of the village.

Learned counsel further submitted that in case of personal search, compliance of Section 50 of the NDPS Act became mandatory. The investigating Officer proceeded to carry out the search on the basis of faith reposed by the accused. Learned counsel further contended that in view of **State of Rajasthan Vs. Paramanand and another, 2014(2) RCR (Criminal) 40**, even if the accused had reposed faith in Investigating Officer to take further search, requirement of accused being brought before the Gazetted Officer or Magistrate was indispensable in view of ratio laid down in **Vijaysinh Chandubha Jadeja Vs. State of Gujarat, 2010(4) RCR (Criminal) 911** .

The statement of fact has not been denied by learned State Counsel on instructions from ASI Dalwinder Singh.

At this stage, since petitioner is in custody since 22.02.2018 and keeping in view the small quantity recovered from the petitioner and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 24, 2018.
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No