

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

**CRM-M No. 17807 of 2018(O&M)
Date of Decision : 22.05.2018**

Gurwinder Singh alias GindaPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr.Jaspreet Kaur, AAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No. 140 dated 30.12.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act') registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case whereas he was not involved. As per allegations in the FIR there were three persons. However, recovery effected from the petitioner is 100 gram alprazolam powder which is non-commercial quantity. Learned counsel for the petitioner further submits that there is no other case against the petitioner under the NDPS Act. Even there is non-compliance of Section 50 of the NDPS Act. The bail application filed by the petitioner has been dismissed only on the ground that total quantity

comes to 400 grams whereas the alleged quantity of contraband recovered from the petitioner is to be taken into consideration. He again submits that the petitioner is in custody since 30.12.2017 and only challan has been presented and trial will take long time to conclude.

Learned State counsel has not disputed the quantity allegedly recovered from the petitioner as well as the fact that he is in custody since 30.12.2017.

Keeping in view the custody period and the contraband recovered from the petitioner and also the fact that there is non-compliance of Section 50 of the NDPS Act and the submissions made by learned counsel for the petitioner, I do not deem it appropriate to keep the petitioner in custody any more. The present petition is allowed. Petitioner Gurwinder Singh alias Ginda is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

22.05.2018

sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No