

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

**Criminal Misc. No. M-20593 of 2018
Date of decision: 24.07.2018**

Kuldeep Singh @ Bittu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been moved under Section 439 Cr.P.C. on behalf of petitioner-Kuldeep Singh @ Bittu for grant of regular bail in case FIR No.102 dated 30.09.2017 registered under Sections 21/61/85 and 29/61/85 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no offence is made out against him. The FIR was registered against two persons, namely, Sukhdev Singh @ Deba and Pargat Singh. 265 gms of heroin was recovered from the possession of Sukhdev Singh whereas 10 gms of heroin was recovered from the possession of the petitioner. The FIR was registered on 30.09.2017 whereas the alleged recovery has been shown to be recovered on 03.10.2017 and the petitioner was released on bail. Learned counsel further submits that the challan was presented on 09.04.2018 and there is non-compliance of

Section 50 of the NDPS Act as no offer was given to the petitioner at the time of alleged recovery. The petitioner is in custody since 09.04.2018 and no purpose would be served by keeping him in custody. Learned counsel also submits that the bail application filed by the petitioner has been dismissed on the ground that the recovery effected from the possession of co-accused of the petitioner is commercial whereas the recovery effected from the petitioner is non-commercial.

Learned State counsel has not disputed the custody period as well as alleged recovery effected from the possession of the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, the recovery effected from the possession of the petitioner is 10 gms heroin, which is non commercial. The petitioner is in custody since 09.04.2018. The trial may take time to conclude. All prosecution witnesses are official and there is no possibility that the petitioner may influence the witnesses.

Accordingly, in view of the facts as mentioned above, the present petition is allowed and the petitioner (Kuldeep Singh @ Bittu) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

24.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No