

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-22329 of 2018 (O&M)

DATE OF DECISION:31.07.2018

Balvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Balvir Singh in case FIR No. 124 dated 11.6.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. As per allegations in the FIR, the petitioner along with two other persons was coming on motorcycle and they were holding separate black coloured polythene bags. On checking by the police party, 20 sealed bottles of Avil and 20 Buprinorphine injections IP were recovered from all the three polythene bags. Learned counsel further contends that no recovery was effected from the conscious possession of the petitioner and compliance of

Sections 51 and 52 of NDPS Act has not been made. There is no other case of NDPS Act against the petitioner and the petitioner is in custody from the date of registration of the FIR i.e. 11.6.2017 and no purpose would be served by keeping him behind the bars.

Learned counsel for respondent-State has not disputed the custody period and also the fact that co-accused of the petitioner, namely, Satnam Singh has been released on regular bail by this Court vide order dated 28.3.2018.

Admittedly, the case of the petitioner is at par with co-accused-Satnam Singh. Moreover, the contraband recovered from the petitioner is below the limit permissible in terms of Rule 66 of the NDPS Rules, 1985 and there is no criminal background of the petitioner as he is not involved in any other case of NDPS Act.

Moreover, the controversy in the present case is covered by the judgment of Hon'ble the Apex Court in the case of **Sajan Abraham Vs. State of Kerala** 2004 (2) RCR (Criminal) 137 and Division Bench of this Court in the case of **Saleem Mohd. Vs. State of Punjab** 2015 (25) RCR (Criminal) 816.

Accordingly, the present petition is allowed. Petitioner-Balvir Singh is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

July 31, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No