

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29082-2018

Date of decision: 16.10.2018

Deepak Kumar @ Deepu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.163 dated 14.06.2015 under Sections 21, 22, 61, 85 of NDPS Act, registered at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was initially arrested on 14.06.2015 and was granted regular bail on 16.09.2015 awaiting the report of FSL. On receiving the said report, the petitioner was re-arrested on 08.05.2018 and in the intervening period, the petitioner has not misused the concession of interim bail and is not involved in any other case except the present FIR. It is further submitted that as per allegations in the FIR, when the petitioner was apprehended, he was trying to throw away a polythene bag, which he was carrying in the right pocket of his pant, thus, it will be a debatable issue that in the absence of notice under Section 50 of NDPS Act, the

recovery was effected in an legal manner.

Learned State counsel, on instructions from HC Harjinder Singh, has not disputed the factual position, however, submitted that the charges have been framed and the evidence is yet to start.

Without commenting anything further on merits of the case, considering the fact that the petitioner remained on interim bail for a period of about two and half years and has not misused the same; recovery was effected from a polythene bag, which the petitioner was carrying in the pocket of his pant; notice under Section 50 of NDPS Act was not served upon him and also in view of the fact that the petitioner is not involved in any other case and has undergone the substantive custody of about 08 months, 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

16.10.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No