

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-42645-2018

Date of Decision:29.11.2018

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. L.S. Sekhon, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.27 dated 25.03.2018 under Section 22 of the NDPS Act, 1985, registered at Police Station Moonak, District Sangrur.

Learned counsel for the petitioner has argued that it is the case of the prosecution that on 25.03.2018 when the police-party was on checking of suspicious persons, they apprehended the motorcycle riders. They disclosed their names as Rahul Sharma and Hardeep Singh. Rahul Sharma was driving the motorcycle, whereas Hardeep Singh was the pillion rider. A plastic bag was tied on the side of the motorcycle of the accused. On search of the plastic bag, 9 strips of intoxicant tablets mark 'Alprasafe' 0.5 gm each containing 60 tablets(in total 540 tablets) and 14 bottles of 'Onerex' of 100 ml. each were recovered. He has further argued that

recovery of 64.8 gms. of 'Alprasafe' is non-commercial quantity, whereas the other recovered contraband of 14 bottles of 'Onerex' is slightly higher than the commercial quantity and there is no other case against the petitioner. He has relied upon the orders dated 25.07.2018 passed by this Court in CRM-M-20092-2018 (Shinda Singh Versus State of Punjab) and dated 22.10.2018 passed in CRM-M-16094-2018 (Gurpreet Singh Versus State of Punjab), respectively, whereby the accused in those cases have been admitted on bail in the similar circumstances.

Learned State Counsel has argued that the recovered quantity of 14 bottles of 'Onerex' is commercial and therefore, the petitioner is not entitled for the relief of regular bail. He states that the prosecution evidence has already started and two witnesses have been examined.

I have heard learned counsel for the parties.

There is no dispute that the petitioner is in custody since 25.03.2018 and as per statement made by learned State Counsel, as against 13 witnesses cited by the prosecution, only two witnesses have been examined so far. In this manner, trial in the case is likely to take long time. No other case has been pointed out against the petitioner. Even otherwise, recovery of 540 tablets of 'Alprasafe' is non-commercial quantity, whereas 14 bottles of 'Onerex' so recovered though does fall in commercial quantity but it is slightly higher than the commercial quantity. Therefore, taking into consideration the orders passed by this Court in Shinda Singh and Gurpreet Singh's cases (supra), this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial

Court.

The petitioner shall also furnish an undertaking to the effect that he will not indulge in the similar activities again in future and in case he is found indulged in any such cases under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

The petition stands disposed of accordingly.

November 29, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No