

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

**CRM-M-48617-2018
Date of decision: 13.11.2018**

Nirbhay Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. V. S. Mahal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 108 dated 08.08.2018, under Section 22(b) of the NDPS Act, 1985, registered at Police Station Sadar, Bathinda.

Learned counsel for the petitioner submits that petitioner is an old man, aged about 65 years, and he is not involved in any other case. It is further submitted that as per the allegations in the FIR, the petitioner was driving the motorcycle and co-accused Hira Singh was the pillion rider, who was holding a plastic bag. Both the accused persons were apprehended by the police and on search of the said plastic bag, alleged recovery of 950 tablets of Tramadol Hydrochloride was made.

Learned counsel for the petitioner further submits that co-accused Hira Singh has already been granted concession of regular bail by the Judge, Special Court, Bathinda, vide order dated 23.10.2018, observing that the conclusion of the trial will take some time.

Learned counsel for the petitioner further submits that it will be a debatable issue during the course of trial whether the petitioner was in conscious possession of the alleged contraband or not.

Learned State counsel has filed custody certificate and has not disputed the factual position, on instructions from HC Gurdeep Singh. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody for the last 03 months and 03 days; he is not involved in any other case; the alleged recovery is of non-commercial quantity; co-accused Hira Singh has already been granted regular bail as noticed above and also considering the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No