

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-49205 of 2018

Date of Decision: 15.11.2018

Harpreet Singh @ Mani

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0003 dated 05.01.2018 under Section 22 NDPS Act registered at Police Station Cantt. Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the alleged recovery made from the petitioner is 8 bottles of Wincerex of 100 ml each, 4 bottles of Onerex of 100 ml each and 15 strips of Carisoma, each containing 10 tablets. He has argued that so far as 150 tablets of Carisoma is concerned, the same is not a narcotic substance, whereas though the other contraband of 1200 ml is a narcotic substance, but the same is marginally higher than the commercial quantity. He has submitted that

there is no other case pending against the petitioner under the NDPS Act. However, the petitioner is in custody since the date of registration of FIR i.e. 05.01.2018.

Learned State counsel does not dispute the custody as well as the quantity of the contraband so recovered from the petitioner.

Admittedly, 150 tablets so recovered from the petitioner do not fall in the category of narcotic substance whereas the recovery of 1200 ml of the contraband so recovered from the petitioner is marginally higher than the commercial quantity and there is no other case pending against him. Considering the fact that the petitioner is in custody since 05.01.2018 and the trial in the case will take sufficient long time, as only one witness has been examined so far and the culpability of the petitioner shall be established after conclusion of trial and thus, no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

November 15, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No