

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-50333-2018

Date of Decision:22.11.2018

Yadwinder Singh @ Ghona

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. D.N. Ganeriwala, 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.15 dated 13.02.2018 under Section 18 of the NDPS Act, registered at Police Station Sadar Kotakpura, District Faridkot.

Learned counsel for the petitioner states that as per FIR, 2.7 kg. opium containing Morphine salt was recovered from the possession of the petitioner, whereas recovery of 2.5 kg. was made from co-accused- Amandeep Singh @ Amna, who were travelling together. He has argued that apart from that there is no other case against the petitioner and co-accused Amandeep Singh @ Amna has been admitted on bail, the recovered contraband from the possession of the petitioner is marginally higher than the commercial quantity.

does not dispute the custody period and the quantity so recovered. However, he has argued that the recovered contraband is commercial quantity and no other case has been pointed out against the petitioner.

I have heard learned counsel for the parties.

The petitioner is in custody since 13.02.2018. The recovered contraband is marginally higher than the commercial quantity. As per entry No.92 of the NDPS Act, commercial quantity is 2.5 kg. But this Court in CRM-M-29153-2013 (Lovekesh Kumar Sharma Versus State of Punjab), while considering the recovered quantity of 2.8 kg. of opium from the petitioner in that case, without any permit or licence, had admitted the said accused on bail vide order dated 09.12.2013. Therefore, having regard to the judgment passed by this Court in Lovekesh Kumar Sharma's case (supra) and considering the fact that no other case has been pointed out against the petitioner and trial in the case may take long time, I deem it appropriate to admit the petitioner 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 trial Court.

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

November 22, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No