

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

CRM-M-49767-2017

Date of Decision: 26.04.2018

Bachittar Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Ashish Aggarwal, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner points to the fact that firstly, as regards the petitioner, Bachittar Singh, there is non-compliance of Section 50 of the NDPS Act, 1985, even as per the report 173(2) Cr.P.C., because the gazetted officer (DSP) who came to the spot, did not make any offer to the petitioner particularly, as to whether he wanted to be searched by the said gazetted officer or somebody else.

Without going into that issue, as to whether that actually constitutes a violation of Section 50 of the said Act or not, other than seeing that the petitioner has undergone 9 months and 1 day of actual imprisonment as an undertrial as per the custody certificate filed in the Court today by the learned State counsel, with no other criminal case registered against him, also with no prosecution witness having been examined so far even as per instructions to learned State counsel, though he opposes the bail application on the ground that 500 grams of heroin were recovered from the petitioner and his six co-accused, in the opinion of this

Court, the trial not being anywhere near conclusion, looking at the custody of the petitioner, he needs to be admitted to bail, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court, especially as there is no other criminal case seen to be registered against him.

Ordered accordingly.

April 26, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO