

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

205

**CRM-M No.6018 of 2018
Date of Decision: 23.4.2018**

BALDEV SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. U.K.Agnihotri, Advocate and
Mr.Deepak Vashisth, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

RAJ MOHAN SINGH, J.(oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.115 dated 21.11.2017 registered under Sections 22, 61, 85 of the N.D.P.S. Act at Police Station Bareta District Mansa.

Recovery was effected from the petitioner on his reposing faith in the Investigating Officer. On conducting search, one box of MICROLIT having batch mark and manufacturing/

expiry date was recovered. On opening, the same was found containing 30 packets of MICROLIT and each containing 100 intoxicant tablets. Total 3000 tablets were recovered from 30 packets. The accused was also personally searched and an amount of ₹ 300/- was recovered from his pocket.

Learned counsel for the petitioner submitted that in view of ratio laid down in **State of Rajasthan vs. Paramanand and another, 2014 (2) RCR (Crl.) 40**, Section 50 of the NDPS becomes mandatory in case of personal search of the accused. The requirement of accused being brought before the Magistrate/ Gazetted Officer was indispensable in view of ratio laid down in **Vijaysingh Chandubha Jadeja vs. State of Gujarat, 2010 (4) RCR (Crl.) 911**.

Learned counsel further relied upon **Narcotics Central Bureau vs. Sukh Dev Raj Sodhi, 2011 (3) RCR (Crl.), 370** and contended that it was required that the accused is actually brought before the Gazetted Officer or Magistrate in order to part authenticity, transparency and credit-worthiness to the entire proceedings and an endeavour should have been made by the prosecution agency to produce the suspect before the nearest Magistrate.

Petitioner is in custody since 21.11.2017.

At this stage, without meaning anything on ultimate

merits the case, I deem it appropriate to enlarge the petitioner on regular bail .

Accordingly, this petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 23, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No