

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

**CRM-M-22653-2019
Date of decision: 22.05.2019**

Rajesh Kumar @ Munish

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Varinder Basa, 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. 30 dated 26.04.2018, registered under Section 21 of the NDPS Act, 1985 at Police Station Purana Shala, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner is the first offender and he is not involved in any other case under the NDPS Act.

Learned counsel for the petitioner further submits that petitioner is in judicial custody for the last more than six months. It is further submitted that the petitioner was granted interim bail awaiting the FSL report and he has not misused the same and has surrendered before the authorities after the FSL report was received.

Learned counsel for the petitioner further submits that as per the version given in the FIR, the Investigating Officer apprehend the petitioner and after the petitioner disclosed his identity, the Investigating

Officer has effected the recovery of 400 intoxicant capsules of ROVON-SPAS and 200 tablets of ALPRAFRESH-50.

Learned counsel for the petitioner has, thus, argued that it is a case where no notice under Section 50 of the NDPS Act was given and despite that, personal search of the petitioner was conducted. Therefore, it will be a debatable issue during the course of trial whether the proper procedure was followed or not.

Learned State counsel has filed custody certificate and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, 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.

22.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*