

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

227

CRM-M-21713-2019 (O & M)  
Date of Decision:16.05.2019

Nirmal Singh @ Nimmi

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. P.S. Sekhon, Advocate  
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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**MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.31 dated 19.03.2019, under Section 21 of the NDPS Act, registered at Police Station Amargarh, District Sangrur.

The prosecution case is that on 19.03.2019 police party headed by SI along with other police officials were going from Amargarh to village Bagarian in relation to checking of suspicious person and patrolling. When they reached near the bridge of canal minor of Bagarian at about 11.00 am, one person around 60 years of age was seen coming by foot. On seeing the police party, the said person got perplexed and suddenly stopped. On suspicion, SI got halted the vehicle and alighted, on which the said person

who was carrying a plastic bag of white colour in his right hand threw the same. Then he was nabbed by the fellow policemen. On inquiry, he told his name as Nirmal Singh @ Nimmi (petitioner). On search, a smack of light brown colour was found which was weighed on computer scale and the same become 6 grams along with polythene.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case by the police. He further contends that as per the prosecution version, when the recovery was effected from the petitioner, no offer was given before his search and it is a clear case of violation of Section 50 of the NDPS Act. He further contends that 6 grams of smack was recovered which is of non-commercial quantity.

On the other hand, learned counsel for the State has opposed the bail application on the ground that the petitioner is involved in other cases under the NDPS Act. However, it is not disputed that the recovery effected is of non-commercial in nature.

Considering the fact that the recovery effected is of non-commercial quantity, the investigation of the case is complete and the trial is likely to consume more time, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

16.05.2019

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**(MANOJ BAJAJ)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No