

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

**Criminal Misc. No. M-49045 of 2018
Date of decision: 18.03.2019**

Bikram Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Tejinderbir Singh, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 24.01.2018 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. The Investigating Officer and the complainant are the same officer. No independent witness was joined at the time of alleged recovery. Learned counsel further submits that the petitioner is in custody since 12.01.2018 and in one more case of NDPS Act, he has been acquitted of the charges. Learned counsel also submits that out of total 8 prosecution witnesses, 3 witnesses have been examined. All the witnesses are officials and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period as

well as the fact that no case under the NDPS Act is pending against the petitioner but has opposed grant of regular bail to the petitioner on the ground of commercial quantity. Learned State counsel has stated in so many words that custody is not a ground of grant of regular bail in NDPS cases.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody since 12.01.2018; no other case under the NDPS Act is pending against the petitioner; out of total 8 prosecution witnesses, 3 witnesses have been examined; all the witnesses are officials and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Bikram Singh) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case, the petitioner is found to be involved in any other case of NDPS Act, the State is at liberty to move an application for cancellation of bail.

18.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No