

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

**CRM-M-22852-2019 (O&M)**

**Date of Decision:23.07.2019**

Raman Kumar Giani

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present : Mr. Dheeraj Mahajan, Advocate  
for the petitioner.

Mr. Ramdeed Partap Singh, D.A.G. Punjab.

**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.17 dated 14.03.2019 registered under Section 21 of NDPS Act, 1985 at Police Station Sadar Gurdaspur, District Gurdaspur.

Brief facts of the case are that on 14.03.2019, SI Avtar Singh who was present in the Police Station received a phone call from his colleague police officials to the effect that when they were present at Focal Point, Langh, for checking of vehicle during nakabandi, a motorcycle Splendor black in color without number being driven by the petitioner and Sarwan was coming. However, on seeing the police party, they tried to run away while turning around the alleged vehicle. On the basis of suspicion, they were apprehended by the police officials. On search of motorcycle, 50 grams of heroin was recovered. The petitioner did not produce any permit or licence to possess the same. Hence, a case was registered against him.

Learned counsel for the petitioner contends that recovered contraband falls within the non-commercial quantity and the investigation

of the case is complete. It is pointed out that co-accused of the petitioner, who is similarly placed, is already on bail. Also the petitioner is not involved in any other case of similar nature.

On the other hand, learned State counsel assisted by ASI Kulwant Singh has opposed the prayer on the ground that the contraband was recovered from the possession of the petitioner. According to him, the petitioner is not involved in any other case of similar nature, however a case under the Excise Act is pending against him. It is not disputed that co-accused of the petitioner has already been released by the trial Court.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The present petition is allowed accordingly.

**23.07.2019**  
rajeev

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

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**