

CRM-M-50071-2018

Date of decision: February 14, 2019

Nirvair Singh @ Laddi

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present:** Mr. A.S. Brar, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer made in the petition is for grant of regular bail to the petitioner in case FIR No.129 dated 22.8.2018 under Section 22 of the NDPS Act, 1985 registered at Police Station Badhni Kalan, District Moga.

Counsel for the petitioner submits that as per the allegations in the FIR when the petitioner was apprehended he was holding a black coloured polythene in his right hand. The Investigating Officer/Inspector Surjit Singh given him notice that he has suspicion of some intoxicant material in polythene bag and he has a right to be searched in the presence of a gazetted officer or a Magistrate. When the petitioner reposed confidence in the Investigating Officer, he conducted the search and found that there was 260 grams of intoxicant powder in the polythene bag. The counsel further submits that as per the FIR, the weight was done alongwith the polythene bag.

Counsel for the petitioner further submits that search was done by the same Investigating Officer and the petitioner is not involved in any other case, except the present one.

Learned State counsel, on instructions from ASI Gurcharan Singh, does not disputed the fact that the petitioner is not involved in any other case and as per the allegations in the FIR, the weight of the contraband recovered was including the weight of the polythene bag, which is marginal higher than commercial quantity.

Without commenting on the merits of the case, considering the fact that the petitioner is in custody since 22.08.2018 and out of the 12 witnesses only 02 witnesses have been examined so far, the present petition is allowed and the petitioner is released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

February 14, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No