

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27452-2019 (O&M)
Date of Decision:-8.7.2019

Balvir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.136 dated 8.10.2018 registered at Police Station City Rampura, District Bathinda under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The FIR was lodged pursuant to receipt of secret information to the effect that Sanjeev Kumar, who is running a dog pet shop under the name and style of 'Paharia Medical Agency' indulges in sale of narcotic tablets.

Pursuant to receipt of aforesaid information, a raid was conducted and the aforesaid Sanjeev Kumar was found sitting at the counter of the shop in question and one more person, who was holding a polythene bag, was standing across him.

It is the case of prosecution that some 'clavidol' tablets containing tramadol were lying on the counter of the shop, which were found to be 400 in all. The search of the polythene bag held by the other person, whose name came to be known as Balvir Singh yielded recovery of 650 tablets of 'clavidol' containing tramadol.

The learned counsel for the petitioner has submitted that since the specific information was against the co-accused Sanjeev Kumar, who has already been granted regular bail, the petitioner, who was found to be standing at the shop in question deserves the concession of bail on grounds of parity. It has further been submitted that, in any case, since it is a case where the police had secret information, the same was required to be taken down in writing unless there was some special reason for not being able to take down such information in writing.

Opposing the petition, the learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of the contraband, no case for grant of bail is made out and that the petitioner cannot claim parity with the case of co-accused as in the case of co-accused the recovery was less than the 'commercial quantity'.

I have considered rival submissions addressed before this Court. Bearing in mind the fact that the petitioner has been behind bars since October 2018 and that the effect of non compliance of Sections 42 of NDPS would be a debatable issue and also that the co-accused has already been granted bail, against whom there was specific information, and also that the petitioner is not stated to be involved in any other case, the petition is accepted and the petitioner Balvir Singh is ordered to be released on bail

subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

8.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No