

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

**CRM-M-29345 of 2019**  
**Date of Decision: 18.07.2019**

Subhash Kumar

....Petitioner

**VERSUS**

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Narinder S. Lucky, Advocate  
for the petitioner.

\*\*\*\*\*

**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.37 dated 03.03.2019 registered for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”) at Police Station Lambi, District Sri Muktsar Sahib. (Offences punishable under Sections 24 and 29 NDPS Act, were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The police party headed by ASI Mukhtiar Singh of Police Station Lambi, District Sri Muktsar Sahib apprehended Ajay Pal and Jaswant and recovered 4400 tablets of intoxicating drugs out of which 3800

were 'Tramadol' tablets and remaining 600 were 'Alprazolam' tablets. During investigation, they disclosed to SHO of Police Station Lambi that part of consignment recovered from them was of petitioner, who had given the same to them and had gone on a separate vehicle.

The petitioner was arrested in this case on 06.03.2019. No recovery of contraband was effected from his possession. The fact of disclosure statement of co-accused is a matter of appraisal by the trial Court.

In view of above, without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Subhash Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**July 18, 2019**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No