

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

CRM-M-30710-2019 (O&M)
Date of Decision:- 25.7.2019

Amjad Khan @ Annu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saqib Ali Khan, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Dhanwant Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.52, dated 8.3.2019, registered at Police Station Moti Nagar, District Ludhiana, Punjab, under Section 21 of NDPS Act.
2. The case of the prosecution is that on the day of occurrence, the petitioner along with co-accused Rahul Kumar was apprehended while they were going on an Activa scooter. A search of the petitioner yielded recovery of 210 grams of 'Heroin' from his pocket whereas the search of the co-accused led to recovery of 310 grams of 'Heroin'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since the recovery allegedly affected from him would not fall in the category of 'commercial quantity', the fetters imposed by Section 37 NDPS Act in the matter of grant of bail shall not be attracted.
4. Learned State counsel has submitted that since the petitioner was caught red-handed while possessing 210 grams of 'Heroin', no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last more than 4 months and 13 days and that charges have already been framed. It has also been informed that the petitioner is not wanted in any other case.
5. Bearing in mind the fact that it is a case of recovery of intermediate quantity wherein charges have already been framed and that petitioner is not wanted in any other case, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The present petition, as such, is accepted and petitioner Amjad Khan @ Annu 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.
6. The petition stands accepted accordingly.

July 25, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No