

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

**Crl. Misc. No.M-33972 of 2019 (O&M)
Date of Decision: August 27, 2019**

Ninder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, 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. 86 dated 01.11.2018 registered for the offence punishable under Section 22 of Narcotic Drugs & Psychotropic Substances Act and Sections 379, 411 and 489 IPC (added later on), at Police Station Valtaha, District Tarn Taran.

Heard.

Notice of motion.

On asking of the court, Mr. Avtar Singh Sandhu, Addl. A.G., 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.

As per case of the prosecution, the petitioner was apprehended with 800 tablets of 'Limotil' containing contraband Diphenoxylate Hydrochloride.

Learned State counsel submits that recovery from the petitioner

he is involved in other cases registered against him under the NDPS and Excise Act. The petitioner was apprehended while going on motor cycle which was also a stolen property.

Learned counsel for the petitioner submits that in one case petitioner has been acquitted and in other case under NDPS Act petitioner is facing trial.

The petitioner was arrested in this case on 01.11.2018 and recovery of contraband from him in this case is of non-commercial quantity.

Keeping in view the facts that recovery from the petitioner is of non-commercial quantity of contraband and that completion of trial will take considerably long time, the present petition is allowed. Petitioner-Ninder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

August 27, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No