

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

229/2

Crl. Misc. No.M-37282 of 2019 (O&M)
Date of Decision: 28.11.2019

Shamshad Ali

...Petitioner

Versus

State of Punjab

...Respondent

2)

Crl. Misc. No.M-36911 of 2019 (O&M)

Shamshad Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. P.S. Sekhon, Advocate, for the petitioner.
Mr. B.S. Sewak, Addl. Advocate Genereal, Punjab

Amol Rattan Singh, J. (Oral)

It is seen that the same petitioner, Shamshad Ali son of Ahmed Ali, has also filed CRM-M-37282 of 2019, with that petition, as per the stamp of the Registry, having been filed on August 31, 2019 and the 'present petition' (CRM-M-36911 of 2019) having been filed on August 30, 2019, both seeking the concession of regular bail upon FIR no.150 dated 27.10.2016 having been registered at Police Station City-I, Malerkotla, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985.

Consequently, the petition filed later, i.e. **Crl. Misc. No.M-37282 of 2019**, with in any case counsel for the petitioner in that petition also not having appeared, is dismissed.

As regards CRM-M-36911- of 2019, Mr. P.S. Sekhon, Advocate, submits that though the contraband stated to have been recovered from the petitioner (as per the case of the investigating agency) was 1000 tablets containing diphenoxylate of a total of 62 grams, with the commercial quantity being above 50 grams, however, admittedly no gazetted officer was called, though the personal search of the petitioner was conducted, with therefore there being a violation of Section 50 of the NDPS Act, 1985.

He refers to a judgment of the Supreme Court in Arif Khan @ Agha Khan v. The State of Uttrakhand, 2018 (2) RCR (Crl.) 931, to submit that in such a situation the petitioner deserves the concession of bail.

That being so, without making any comment on the actual merits of the case, for or against the petitioner, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

28.11.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No