

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49608-2019 (O&M)
Date of decision: 27.11.2019

Deepak Masih @ Deepak

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.50 dated 10.07.2019 under Sections 21, 22, 29 of NDPS Act (offence under Section 29 of NDPS Act was added later on), registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended co-accused Bobby and from his possession, 1520 intoxicant tablets were recovered. It is further submitted that the petitioner has no previous history of involvement in any case under the NDPS Act. It is also submitted that the petitioner has been nominated in the FIR on the basis of disclosure statement of aforesaid co-accused that he had purchased the intoxicant tablets from him. Learned counsel further submits that

even as per disclosure statement of the petitioner, no further recovery was effected and therefore, it will be a debatable issue whether he was found in conscious possession of the contraband recovered.

Learned State counsel has filed the custody certificate dated 27.11.2019 in the Court today. As per this custody certificate, the petitioner is not involved in any other case. Learned State counsel, on instructions from ASI Kuljit Singh, has submitted that no recovery was effected in pursuance to the disclosure statements of co-accused as well as the petitioner.

Without commenting anything on merits of the case, considering the aforesaid factual position, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.11.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No