

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-1502 of 2020 (O&M)
DATE OF DECISION : 25.08.2020**

Kashmir Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Pardeep Kumar Kapila, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No. 70 dated 14.06.2019, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bahav Wala, District Fazilka.

2. Per allegations in the FIR, medicinal tablets containing Tramadol Hydrochloride with a total weight of 449.792 grams were recovered from the petitioner without any license.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The petitioner is not involved in any other case under the NDPS Act. He further submits that he is in custody for over 14 months and conclusion of trial will take long time on account of Covid-19 pandemic.

4. In support of his arguments, learned counsel relies upon the judgments of Coordinate Benches of this Court in case of *Kashmir Singh vs. State of Punjab*, in *CRM-M-7437 of 2019, decided on 21.02.2019*, wherein the petitioner was in custody for over 7 months and had been granted

regular bail thereafter. In another judgment rendered by this Court in case titled as *Karaj Singh vs. State of Punjab, in CRM-M-23811 of 2018*, decided on 09.07.2018, the petitioner therein had been granted regular bail after custody of six months.

5. On the other hand, learned State counsel opposes the bail plea on the ground that as per FSL Report, recovery falls within the definition of commercial quantity and applicability of Section 37 of the NDPS Act disentitles the petitioner to seek the concession of bail.

6. On a query of the Court, learned State counsel does not controvert the factum that petitioner is not involved in any other case of similar nature. He has been in custody since 14.06.2019.

7. In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 14 months, he is not involved in any other case under the NDPS Act, due to Covid 19 pandemic the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 25th 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No