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

**CRM-M No.2614 of 2020
Date of Decision: 27.01.2020**

Ram Parshad

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0235 dated 19.10.2019 registered under Section 21 of the NDPS Act, 1985 and Section 52-A and 42 of the Prisons Act, 1894 at Police Station Tripri Patiala, District Patiala.

Petitioner is a Head Constable in Punjab Police. He was arrested on suspicion when he was picking up and keeping something in the bathroom. On being asked, he could not give any satisfactory reply. When the Assistant Superintendent and Head Warden, searched the bathroom built at Court spot and

the bathroom area, then they found 24 pouches of chewing tobacco (zarda).

On the disclosure statement of the petitioner, 20 grams of heroin and 20 more pouches of chewing tobacco (zarda) along with mobile phone, charger, Jio Dongle were recovered from a bag lying in the trunk in the barracks.

The alleged recovery of contraband falling under NDPS is non-commercial.

Learned State counsel on instructions from ASI Angrej Singh states that the petitioner is involved in supplying the narcotics and other material which could have been proved fatal and even may lead to a jail break.

Petitioner has been implicated under Section 21 of the NDPS Act and Section 52-A and 42 of the Prisons Act, 1894. Challan has not been presented so far. Petitioner is in custody since 19.10.2019. Zarda is not covered under NDPS. Reaching to a stage of disclosure only on the basis of recovery of Zarda would be debatable.

Since the alleged recovery is of non-commercial, therefore, at this stage, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety

bonds to the satisfaction of the Chief Judicial Magistrate,
Patiala.

Nothing expressed hereinabove, would be construed to
be an expression of any opinion on merits of the case.

27.01.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No