

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2938 of 2020

DATE OF DECISION: JANUARY 28, 2020

ANKUSH KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.D. RATTEWAL, ADVOCATE FOR THE PETITIONER.
MS. MONIKA JALOTA, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Ankush Kumar has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.55 dated 15.7.2019 under Section 22 of NDPS Act, 1985 Police Station City Banga, District SBS Nagar. The petitioner is in custody since 15.7.2019.

As per the prosecution case, when the police party was on patrol duty, a person was seen coming on foot with heavy polythene bag (black colour). He was coming from the side of village Hapowal and on seeing the police party, he turned back. He threw the polythene bag and the said person was apprehended by the police on suspicion. Upon search, 12 injections of Buprenorphine 2 ML each and 12 injections of Avil 10 ML each were found in the bag.

Learned counsel for the petitioner contends that out of the alleged contraband, only Buprenorphine comes under the purview of NDPS Act and the quantity recovered is marginally above the non-commercial

quantity and the investigation of the case is complete. Therefore, further custody of the petitioner may not be necessary. He further submits that the petitioner is not involved in any other case. The petitioner is in custody since 15.7.2019.

On the other hand, learned counsel for the State assisted by ASI Balwant Singh opposed the aforesaid prayer. However, it is not disputed that the contraband which falls within the NDPS Act is marginally above the non-commercial quantity and the trial in the above FIR has commenced. He submits that out of total 11 witnesses, 2 witnesses have been examined.

After hearing the learned counsel for the parties, this Court is of the opinion that the trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified, particularly when the investigation of the case is complete.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No