

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-4577-2020 (O & M)

Date of Decision: July 15, 2020

GURPREET SINGH @ MANGRI

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. D.N . Ganeriwala, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.104 dated 26.06.2019, under Section 22 of the NDPS Act, registered at Police Station City Kotakpura, District Faridkot.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 600 tablets of Alprazolam with a total weight of 74 grams (non-commercial quantity) has been recovered from the personal search of the petitioner. The recovery from the co-accused is 2400 tablets of Alprazolam and only in the event of the recovery of the co-accused being clubbed with the recovery of the petitioner would it constitute commercial quantity. He also contends that the recovery from another accused cannot be clubbed as held by the Supreme Court in the case of **Amar Singh Ramjibhai Barot vs. State of Gujarat, 2005 (7) SCC 550.** The petitioner is in custody for over 09 months and is not involved in any other case under the NDPS Act. He further states that the trial is not making any progress due to Covid 19 Pandemic.

Learned State counsel contends that the recovery from the petitioner and other accused amount to commercial quantity. He upon instructions from ASI Chamkaur Singh, states that 12 out of 14 prosecution witnesses have been examined.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 09 months, he is not involved in any other case under the NDPS Act, Covid 19 pandemic and 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.

(ANUPINDER SINGH GREWAL)
JUDGE

July 15, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No