

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12513-2020
Date of decision: 19.05.2020

Happy Singh alias Beeru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.110 dated 06.09.2019, under Sections 22 and 29 of the Narcotics Drugs & Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station, Longowal, District Sangrur.

Learned counsel for the petitioner refers to Section 50 of the NDPS Act and judgment passed by Hon'ble the Supreme Court in Arif Khan @ Agha Khan vs. State of Uttarakhand, AIR 2018 SC 2123 to contend that at the time of effecting recovery of commercial quantity of narcotics, in case provision of Section 50 of the NDPS Act was not complied with, the case of prosecution is likely to fail.

Learned State counsel, on instructions, has informed that after

arresting the petitioner on 06.09.2019, challan has been presented on

09.03.2020 and there are almost 14 prosecution witnesses, who are to be examined.

Learned State counsel has not been able to state that when recovery was effected from the petitioner, provisions of Section 50 of the NDPS Act were complied with.

Heard.

Keeping in view the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sangrur.

19.05.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No