

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

CRM-M No.13531 of 2020 (O&M)

Date of Decision : 12.06.2020

Shiv Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Bikramjeet S. Jatana, Advocate
for the Petitioner.

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for the respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.11851 of 2020

Allowed as prayed for.

CRM-M No.13531 of 2020

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.0297, dated 21.09.2019, registered under Sections 22, 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 of the Indian Penal Code, at Police Station Talwandi Sabo, District Bathinda.

2. The Petitioner was arrested on the date of occurrence, itself i.e. 21.09.2019, along with the co-accused persons, namely, Malwinder Singh and Gursewak Singh @ Sewak.

3. Challan has been submitted against them and Charges framed. Thereafter, no witness from the prosecution side has yet been examined.

4. The recovery effected from the accused persons is said to be a

chance one. The contraband seized comes within the definition of the commercial quantity. However, there is no record of the Petitioner's involvement in any other case under the NDPS Act.

5. The bail application is opposed on behalf of the State on the ground that the recovery effected from the accused persons in the present case was of commercial quantity.

6. In the circumstances, at this stage, considering the long detention undergone by the present Petitioner and the fact that he is not involved in any other similar case, this Court is of the opinion that he is not likely to commit any similar offence while on bail. He may therefore, be released on regular bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned, subject to appropriate terms and conditions as deemed necessary by the said Court.

7. It is further clarified that if the Petitioner is found to be engaged in any other activity under the NDPS Act, at any stage, the prosecution would be at liberty to approach the Court to seek cancellation of his bail.

8. Disposed off.

June 12, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No