

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

**CRM-M-14322-2020
Decided on : 23.06.2020**

Anil Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner(s).

Ms. Samina Dhir, DAG, Punjab
assisted by ASI Jagjit Singh.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 04, dated 01.01.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City 2 Mansa, District Mansa.

It has been *inter alia* contended that the petitioner is an innocent person and has been falsely implicated in the instant case. It has been further contended that the false implication of the petitioner is evident from that fact that the petitioner was alleged to be carrying the contraband (i.e. 10 vials of WINCIREX) in a transparent carry bag. Hence, it has been submitted that had the petitioner actually been indulging in the trade of narcotics and contraband he would not have been blatant enough to carry the contraband in a transparent bag.

Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 01st January, 2020 and till date, only

charges have been framed and thus, the trial is unlikely to conclude in the

near future.

Learned State counsel on the other hand has opposed the submissions made by learned counsel for the petitioner for grant of regular bail to the petitioner. She has, however, not been able to controvert the fact that recovery of contraband affected from the petitioner did not fall within the commercial quantity. Learned State counsel on instructions from ASI jagjit Singh has apprised the Court that no other case under the NDPS Act stands registered against the petitioner and the prosecution evidence is likely to commence on the next date of hearing before the learned trial Court.

Heard.

In view of the submissions made by learned counsel for the parteis and keeping in view the fact that the petitioner has been behind bars since 01st January, 2020, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Therefore, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 23, 2020

J.Ram

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