

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

**CRM-M-15139 of 2020 (O&M)
Date of Decision:21.07.2020**

Mandeep Singh Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Tajender K. Joshi, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via WhatsApp facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No.93 dated 27.04.2019 under Section 22/61 of NDPS Act, 1985, registered at Police Station Civil Lines, Bathinda, District Bathinda.

Counsel for the parties have been heard.

As per prosecution version an alleged recovery of 20 Vials of ONEREX each containing 100ML, were recovered from the petitioner. As per report of FSL Bathinda, the salt of Codeine Phosphate has been detected.

Prayer for bail is opposed by learned State counsel by submitting that the alleged recovery falls under commercial quantity and as such the bar under Section 37 of the NDPS Act would apply.

Petitioner was arrested on 27.04.2019.

Investigation in the case is complete and the challan already

stands presented.

State counsel has informed the Court that till date no prosecution witness has been examined. Trial as such would take time to conclude and particularly keeping in view the current Covid-19 situation.

There is a specific ground raised by counsel for the petitioner as regards non-compliance of Section 50 of the NDPS Act. Reliance has also been placed upon orders passed by Coordinate Benches in CRM-M-8035 of 2020 dated 28.02.2020 and CRM-M-33434 of 2016 dated 26.09.2016 and whereby in these matters there was a heavy recovery in comparison, benefit of bail was granted.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petitioner namely Mandeep Singh sharma be released on bail subject to his furnishing bail/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Bathinda.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 21, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No