

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

Criminal Misc.-M-15728 of 2020

Date of Decision: November 04, 2020

Mohd.Anwar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishavdeep Singh Rana, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl.A.G.Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.96 dated 09.12.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Kheri Gandian, District Patiala. The petitioner is in custody since his arrest on 09.12.2018.

As per the allegations in the FIR, on 09.12.2018, the police party was going from Kheri Gandian to Khanpur Gandian in connection with patrolling duty. When they reached Gupta Brick Kiln and it was about 5.00 p.m., then one Hindu man was seen coming on his motor cycle bearing No.PB-11-BS-2030 from the side of Khanpur Gandian, who on seeing them started turning back his motor cycle. He was apprehended on suspicion and on his search, 950 intoxicating tablets were recovered from his possession. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that total 950 intoxicating tablets were allegedly recovered from the possession of the petitioner and the said recovery is marginally above the commercial

quantity. According to him, the trial is progressing slowly as only five prosecution witnesses have been examined so far and, therefore, the further custody of the petitioner may not be justified, particularly when he is not involved in any other case. He prays for grant of regular bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Bhupinder Singh has opposed the prayer on the ground that the recovered quantity is commercial in nature. He has produced the custody certificate of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Deputy Superintendent, Central Prison, Patiala, which indicates that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court is of the opinion that over a period of nearly two years, only five witnesses have been examined by prosecution. Apart from it, there is no other case against the petitioner under N.D.P.S.Act, 1985 or under any other penal laws. The petitioner is presently confined in judicial custody since 09.12.2018 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

November 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No