

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

**CRM-M-15925-2020  
Date of decision: 08.07.2020**

**Madan Singh alias Madhi**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. L. S. Sekhon, Advocate  
for the petitioner.

Mr. A. P. S. Gill, DAG, Punjab.

(Through Video Conferencing)

**ARVIND SINGH SANGWAN, J. (Oral)**

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 166 dated 29.08.2019, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Patiala, District Patiala. The first petition bearing **CRM-M-51935-2019** was disposed of on 11.12.2019 granting interim bail to the petitioner to await the FSL report.

Learned counsel for the petitioner submits that on receiving the FSL report, the petitioner has surrendered before the trial Court and has not misused the concession of interim bail.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case and as per allegations in the FIR,

registered on the basis of a secret information, co-accused Sukhpal Singh is habitual of selling intoxicant tablets and if a raid is conducted, he can be apprehended with intoxicant tablets.

Learned counsel for the petitioner further submits that thereafter, the police arrested co-accused Sukhpal Singh and effected recovery of 2100 tablets of *Clovidol-100 SR*.

It is further submitted that later on, the police recorded the disclosure statement of the aforesaid co-accused that he has procured the recovered contraband from the petitioner, consequent to which, the petitioner was also nominated in the present FIR, however, no subsequent recovery was effected from the petitioner after his arrest.

Learned counsel for the petitioner further argues that since the petitioner was only nominated in the present FIR on the disclosure statement of aforesaid co-accused, therefore, it will be one of the moot points during the course of trial whether the petitioner can be held to be in conscious possession of the recovered contraband from the co-accused in his absence.

Learned State counsel has filed custody certificate, as per which, the petitioner is in judicial custody for the last five months and three days and he is not involved in any other case under the NDPS Act, though he is involved in one other case under the Prevention of Corruption Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail

on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

08.07.2020

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*