

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

206

CRM-M-16417-2020

Date of decision : 13.08.2020

Akashdeep Sharma @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.95, dated 25.02.2020, registered under Sections 22, 25, 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City Barnala, Police District Barnala.

Reply by the State filed in the Court, is taken on record. Copy thereof has already been supplied to the learned counsel opposite.

Learned counsel for the petitioner contends that the petitioner is running a wholesale chemist shop in the name and style of M/s Ganpati Pharma at Pahara Singh Chowk, Near Akalsar Gurudwara, Moga, District Moga. The raid was conducted on his premises on 21.03.2020 and nothing was recovered. Subsequently, on 23.03.2020, 320 strips each containing

10 tablets total 3200 tablets of *Prozalam 0.5* were recovered. The petitioner

was not named in the FIR and his name has figured in the disclosure statement of co-accused. Therefore, no notice could be taken on such a recovery.

On the other hand, learned State counsel opposes the instant petition. Learned State counsel submits that the petitioner is in custody since 21.03.2020 and the challan has not been presented so far.

Heard.

Considering the fact that no recovery has been effected from the petitioner; trial has not commenced and the same is not likely to be concluded in the near future, this Court is inclined to accept the prayer of the petitioner.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.08.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No