

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 16824 of 2020
Date of Decision: 30.6.2020**

Raj Kumar

.....Petitioner

Versus

Narcotic Control Bureau, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Kumar Saini, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

The petitioner seeks regular bail in case crime No.3 dated 21.1.2018 under Section 8/18/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station NCB, Chandigarh.

Learned counsel for the petitioner has pointed out that the petitioner has undergone 02 years, 05 months and 10 days of custody and there is no other case pending or decided against him. He further submits that 3.050 kilograms of opium was allegedly recovered from the petitioner. Learned counsel also submits that all the prosecution witnesses have been examined but due to the COVID-19, further proceedings have not been carried out by the trial Court. He has relied upon the judgments of Coordinate Benches of this Court in the cases of ***Vadhawa Ram versus State of Punjab***, CRM No. M-24344 of 2014, decided on 22.8.2014 and ***Kamlesh versus State of Punjab***, CRM No. M-14029 of 2015 decided on

6.5.2015.

Notice of motion.

On the asking of the Court, Ms. Sharmila Sharma, Advocate accepts notice on behalf of NCB, Chandigarh. She has pointed out that the recovery effected from the petitioner falls under the commercial quantity and since all the prosecution witnesses have been examined, the case will be decided soon.

This Court is conscious that all the prosecution witnesses have been examined but due to COVID-19, further proceedings are not being carried out. Recovery of 3.050 kgs of opium has been effected from the petitioner and he has already undergone 02 years, 05 months and 10 days of custody. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

June 30, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No