

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

Crl. Misc. M 17351 of 2020 (O&M)
Date of decision: 21.7.2020

Major Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 190 dated 18.8.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner herein contends that the petitioner has falsely been implicated in this case. He was arrested on 18.8.2019, but subsequently released on bail to await FSL report and now he is in custody since 16.3.2020. It is submitted that the allegations as set out in the FIR are patently false and alleged contraband has been planted on him. In fact, no recovery was made from the petitioner and therefore, it cannot be said that he was in conscious possession of the contraband. It further argued that the mandatory provision of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has not been complied and, therefore, the entire process of alleged search and seizure is vitiated. It is further

submitted that the petitioner is not involved in any other case under the NDPS Act. The trial is likely to take some time. No useful purpose would be served by keeping the petitioner behind bars till the conclusion of the trial. He prays that the petitioner be admitted to regular bail.

Per contra, learned counsel for the respondent—State, while opposing the prayer, would submit that the police party apprehended the petitioner from the spot and recovered 260 grams of intoxicant powder from him and on chemical analysis of the alleged contraband the same has been found to be Alprazolam, which is commercial quantity and, therefore, the petitioner does not deserve the concession of bail.

After hearing the learned counsel for the parties and keeping in view the custody period of the petitioner, this Court does not find any reason to decline the prayer as the trial is likely to take a considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner is presently confined in judicial custody, therefore, further detention behind the bars may not be justified.

Consequently, without expression of opinion on the merits of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

21.7.2020

prem

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes

No