

CRM-M-19332-2020

Date of decision :06.08.2020

Dalbir Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gursimran Singh Madaan, Advocate for the petitioner.

Mr. Ranbir Singh Thind, DAG Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 CrPC for grant of concession of regular bail to the petitioner in FIR No.77 dated 26.04.2020 under Section 22 of the NDPS Act, 1985 at Police Station Bilga, Jalandhar.

It has been contended by the learned counsel for the petitioner that the allegation in the FIR is that 95 strips of Alprazole 0.5 containing 10 tablets each was recovered from a polythene bag allegedly thrown on the road from the Swift car in which the petitioner is said to have been travelling. As per the FSL report the total weight of the salt Alprazolam is 125.4 gms which is marginally higher than the commercial quantity of 100 gms. It is also been contended by the learned counsel for the petitioner that he has been falsely implicated in the case and that the petitioner had moved an application before the Trial Court for directing the telecom companies to preserve the call location/record of dated 26.04.2020 of the police officials as well as the National Highways Authority of India for preserving the CCTV Footage/Record regarding

arrival (Phillaur side) of vehicle bearing registration No.PB-O23-H-0959 Swift Car at Toll Plaza, Sulej Bridge, Ladowal (Ludhiana) and departure (Ladowal side). The said application was allowed by the Trial Court on 04.06.2020.

Notice of motion.

On the asking of the Court, Mr. Randhir Singh Thind, DAG Punjab has put in appearance. He has stated on instructions from ASI Gursharan Singh that this is not a fit case for grant of regular bail inasmuch quantity recovered was commercial in nature. He has however stated that there is no other case pending against the petitioner.

The recovery in the present case is of 125.4gms of salt Alprazolam, allegedly from a polythene bag thrown on the road from the Swift car in which the petitioner is said to have been travelling. The case of the petitioner is that he has falsely been implicated in the case. The recovery is marginally on the higher than the commercial quantity and the petitioner has been in custody since 26.04.2020.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behindbars since 26.04.2020 and the trial is also unlikely to conclude in the near futurein view the current scenario in the wake of the outbreak of the COVID-19pandemic, I deem it to be a fit case to grant concession of regular bail to the petitioner. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned

However, the prosecution will always be at liberty to get the bail cancelled, in case the petitioner is found to be misusing the

concession of bail in any manner.

Disposed off.

August 06, 2020
Kv

(ALKA SARIN)
JUDGE

NOTE:
Whether speaking : Yes/No
Whether reportable : Yes/No