

CRM-M-20080-2019

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

CRM-M-20080-2019 (O & M)

Date of decision: 17.09.2020

Thana Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Mehardeep Singh Dullat, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.14 dated 17.02.2019, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act'), Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that 1500 tablets of Clovidol-100 SR, containing the salt 'Tramadol Hydrochloride', have allegedly been recovered from the petitioner and that there is no other case pending or registered against the petitioner. He further contends that the petitioner has been in custody 17.02.2019 but till date, no prosecution witness has been examined. In support of his contentions, he relies upon a decision dated 14.08.2020 rendered by a Coordinate Bench in CRM-M-18317-2020, titled as 'Vijay Kumar Vs. State of Punjab'.

Learned State counsel while opposing the prayer made in the

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present petition, submits that the recovery effected in the present case falls in commercial quantity and in view of Section 37 of the NDPS Act, the petitioner is not entitled to the benefit of bail. He also states that out of 14 prosecution witnesses, none has been examined. However, he does not dispute the factum regarding the custody period of the petitioner.

I have heard the learned counsel for the parties.

In view of the submissions made by the learned counsel for the petitioner, especially when the petitioner has been in custody since 17.02.2019; he is not involved in any other case under the NDPS Act; no prosecution witness has been examined so far and the country continues to be in the throes of global pandemic, Covid-19, this Court finds that no useful purpose would be served by keeping the petitioner behind bars.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

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Since the petitioner has been granted the regular bail, the present application seeking interim bail, has become infructuous.

Disposed of as such.

17.09.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No