

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22014-2020 (O&M)

Date of Decision:- 14.8.2020

Bhupinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Arora, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.166, dated 31.7.2019, under Section 22 of NDPS Act, Police Station Goraya District Jalandhar.
2. The allegations, in nutshell, are to the effect that the petitioner was found in possession of 24 injections Buprenorphine Injection IP

Leegestic along with 24 vials of Pheniraminemaleate Injection (Avil 10 ml), which were contained in a transparent polythene bag.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that it is highly unlikely that a person who indulges in drugs would carry the same in a transparent bag as the same would easily expose him. Learned counsel in order to hammerforth his aforesaid submission places reliance upon CRM-M-8026-2020 titled as Lakhwinder Singh alias Lakha Vs. State of Punjab and CRM-M-8035-2019 titled as Mandir Singh Vs. State of Punjab. It has further been submitted that the petitioner in any case has been behind bars since the last about one year and trial is not progressing and as such he deserves to be released on bail.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband, no case for grant of bail is made out. It has however, been informed that the petitioner is not a previous convict and is not involved in any other case and that he has been behind bars since the last about 1 year. It has also been informed that till date not even a single PW has been examined.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was found in possession of contraband which he was stated to be carrying in a transparent polythene bag which would be highly unlikely as the accused would have easily been noticed while carrying contraband in a transparent

polythene bag and while also noticing that despite a custody of one year not even a single PW has been examined and particularly bearing in mind that the petitioner is not a previous convict and has a clean record not having been involved in any other case, the petition merits acceptance and is hereby accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

August 14, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No