

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

**CRM-M-22813-2020 (O&M)  
Date of Decision: 14.09.2020**

**Gandhi Ram**

**... Petitioner**

**v/s**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

**Present: Mr. Lupil Gupta, Advocate for the petitioner.**

**Mr. H.S.Multani, AAG Punjab.**

*(The case has been taken up through video conferencing on  
account of Covid-19 pandemic)*

**\* \* \***

**VIVEK PURI, J. (ORAL)**

The custody certificate and report of FSL has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR No. 343 dated 7.12.2019 under Section 22 of NDPS Act, 1985 registered at Police Station Sardulgarh, District Mansa.

Briefly, the FIR has been registered in pursuance of the recovery of 270 tablets of alprazolam. As per the report of FSL, the average weight of the tablets is 144.27 mg. The quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity. As such, the stringent provisions of Section 37 of NDPS Act do not come into play.

It has been contended by learned counsel for the petitioner that though other cases under NDPS Act have been registered against the petitioner and he has also been convicted but he is stated to be on bail in all the cases at present.

Learned State counsel opposes the bail application on the ground that as per the custody certificate five other cases under NDPS Act are pending against the petitioner and he has already been convicted in one case.

May it be so, it is significant to note that in other five cases in which the petitioner is facing trial, he is on bail and his sentence in the case in which he has been convicted, has been suspended. Furthermore, the petitioner is in custody in this case for the last nine months and four days. The case of the prosecution basically hinges on the deposition of official witnesses only and in such circumstances, there is no likelihood that petitioner can tamper with the evidence. Moreover, the challan has been presented but no witness has been examined as the trial is not progressing on account of restricted hearing due to Covid-19 pandemic. The conclusion of trial is likely to take some time. The genuineness of allegations against the petitioner have to be adjudicated during the course of trial.

In these set of circumstances, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**(VIVEK PURI)**  
**JUDGE**

**14.09.2020**

Janki

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