

CRM-M-22855-2019

Date of decision: 01.06.2020

Deepak

....Petitioner

versus

U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. A.P. Kaushal, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Manish Jain, Addl.P.P., U.T. Chandigarh puts in appearance on behalf of the State on his own.

Petitioner, Deepak, who is in custody, in this case got registered by way of FIR No.20 dated 22.01.2019 under Section 21 of the NDPS Act registered at Police Station Mauli Jagran, Chandigarh, has sought regular bail under Section 439 Cr.P.C.

The allegations brought to the notice of this Court are that on 22.01.2019, police party headed by SI Kehar Singh, received a secret information against the petitioner and on the basis of which, while they were holding *nakka* accosted the accused, coming on foot, carrying a bag and when he was searched, from the polythene bag in

the right hand of the accused, 38 grams of heroin was recovered of which the accused could not account for.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars for more than one year and that the alleged recovery, though, is little more than the small quantity but is less than the commercial and that the trial is not likely to be concluded in the near future.

The learned State counsel has strongly opposed the grant of bail on the grounds that the petitioner is facing the allegations in ten criminal cases of different nature under the Indian Penal Code etc. in the State of Uttar Pradesh and he is a desperado.

Going through the submissions, admittedly, only 38 grams of heroin has been recovered and the petitioner is behind the bars for more than one year.

The State counsel has duly conceded that there is no other case under the NDPS Act. In light of the same and the fact that the trial is not likely to be concluded in the near future and this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

01.06.2020		(FATEH DEEP SINGH)
Neha		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No