

CRM-M No.24349 of 2020

Date of Decision : 31.08.2020

Raju Kumar

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Surinder Garg, Advocate for the petitioner.
Mr. Randhir Singh Thind, DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.20 dated 12.02.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gidderbaha, District Sri Muktsar Sahib.
3. Learned counsel for the petitioner contends that the recovery is of 700 tablets of Clovidol-100 SR, containing *Tramadol Hydrochloride* salt and that as per the FSL report, the total weight of the tablets, containing *Tramadol Hydrochloride* salt is 408.92 mg. (i.e. 286.244 grams), which is marginally above the commercial quantity i.e. 250 grams.
4. Learned counsel for the petitioner states that the petitioner has been in custody since 12.02.2020, Challan has been filed but the trial is not progressing on account of circumstances prevailing due to Corona Virus

Pandemic and that in the circumstances, no useful purpose would be served by keeping the petitioner behind bars.

5. Learned counsel relies upon the order of this Court dated 24.01.2020, in CRM-M-44873 of 2019 in case titled as 'Kala versus State of Punjab', in which there was recovery of 750 tablets of Calvidol, containing *Tramadol Hydrochloride* salt, 268.5 grams and that the Court by relying upon the order in CRM-M-37253 of 2016 in case titled as 'Festus Ugochukwu versus State of Punjab', decided on 07.12.2016 and CRM-M-40876 of 2017 in case titled as 'Vishal Shah versus State of Punjab', decided on 04.04.2018 allowed regular bail to the petitioner therein in view of investigation having been completed, the petitioner being in custody for a period of 10 months and not being involved in any other case under the NDPS Act besides only some of the witnesses having been examined.

6. Learned State Counsel, Punjab, has not disputed the aforementioned position except that the petitioner is involved in a case under Sections 401 and 411 IPC vide FIR No.75/2018, registered at Police Station, Railway, Bathinda but that he is on bail in the said case. Custody certificate filed by the State Counsel is taken on record.

7. Considering the facts noted above, as also that challan has been filed, recovery is marginally higher than the commercial quantity and that the petitioner is in custody since 12.02.2020, as also that he is not involved in any other case under the NDPS Act and the trial is likely to take some time on account of prevailing circumstances due to Corona Virus Pandemic, I am of the view that no useful purpose would be served by keeping the petitioner behind bars.

8. Accordingly, without commenting upon the merits of the case, the petition for regular bail is ***allowed*** and the petitioner is ordered to be released on regular bail provided he is not required in any other case, subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned. Petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C.

9. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 31, 2020
'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>