

CRM-M No.24345 of 2020

Date of Decision : 01.09.2020

Anil Kumar @ Chacha @ Rinku

...Petitioner

Versus

State of Punjab

....Respondent

**Coram : Hon'ble Mr. Justice B.S. Walia**Present: Mr. Kushaldeep Singh Sandhu, 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.174 dated 24.07.2019, registered under Section 22 NDPS Act, 1985 at Police Station Division No.6, District Ludhiana.
3. Learned counsel contends that the alleged recovery from the petitioner is of 70 grams of *Diphenoxylate Hydrochloride*, that the petitioner was arrested on 24.07.2019, was granted interim bail on 04.10.2019 and surrendered on 12.03.2020 on receipt of the report of the Chemical Examiner, that the petitioner did not misuse the concession of interim bail, besides is not involved in any other case under the NDPS Act.
4. Learned counsel places reliance on the order of this Court dated 08.03.2018, in CRM-M No.6121 of 2018 in case titled as 'Ravinder Singh versus State of Punjab' wherein the Court while taking into account recovery of 70 grams of *Diphenoxylate Hydrochloride*, as also grant of bail

by a Co-ordinate Bench of this Court vide order dated 17.12.2015, in CRM No. M-39534 of 2015, in a case involving alleged recovery of 84.7 grams of *Diphenoxylate Hydrochloride*, granted bail to the petitioner therein.

5. Learned State Counsel, on instructions from ASI, Kanwaljit Singh does not dispute the aforementioned position.

6. In the light of the position, as noted above, and without making any observation on the merits of the case, I am of the view that no useful purpose would be served by keeping the petitioner behind bars especially in view of the circumstances prevailing on account of Corona Virus pandemic. Accordingly, 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 and subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned.

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

**(B.S. Walia)**  
**Judge**

**September 01, 2020**  
*'Rajneesh-Amit'*

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