

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(214)

CRM-M-28683-2020

Date of Decision: 23.09.2020

Monu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner, in case FIR No.32 dated 03.03.2020 registered under Sections 22, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bilga, District Jalandhar.

2. The petitioner was arrested on 03.03.2020 and since then has remained in detention. 560 intoxicants capsules were allegedly seized from him, which were found to be containing the ingredient of Tramadole.

3. Ld. Counsel for the petitioner has drawn attention to the FIR, in which the compliance of Section 50 of the NDPS Act is conspicuously missing and it has not been mentioned at all that any offer was given to the petitioner for being searched before a Magistrate or any other Gazetted Officer. On the other hand, the search and seizure appear to have been effected directly by the concerned ASI.

4. After completion of investigation, challan against the petitioner has already been submitted. He is not reported to be involved in any other case under the NDPS Act. Trial has not yet commenced and is not likely to be completed within any reasonably short time on account of the prevailing Covid-19 Pandemic.

5. As such, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, the prayer of the petitioner for grant of regular bail is allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

23.09.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No