

225 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28939-2020
Date of Decision: 03.12.2020

AVTAR SINGH @ TARI

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gopal Singh Nahel, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.154, dated 19th July, 2020, registered under Section 22(C), 61 and 85 of the NDPS Act, at Police Station Sadar Tohana, District Fatehabad.

[2] The petitioner by now has already undergone detention in excess of over 04 months since 28.07.2020

[3]. Ld. Counsel for the Petitioner has drawn attention of the Court to the fact that no actual recovery in this case was effected from his Client, who has been implicated on the basis of the Disclosure Statement of accused-Avtar Singh etc. from whom the contraband was recovered.

[4]. It is further contended on behalf of the Petitioner that even the contraband recovered from the accused in case is 600 Tablets of Alprazolam weighing 73.2 grams is below commercial quantity, while 500 tablets of

Tramadol weighing 268 grams, is marginally above such quantity.

[5]. The co-accused Shiv Shakti alias Shibu has already been granted regular by this Court in CRM-M-31527-2020 on 13.10.2020.

[6] Ld. Counsel for the State on query submits that there is no record of Petitioner's involvement in any other case under the NDPS Act, on account of which, this Court is of the opinion that he is not likely to commit a similar offence, if released on bail, at this stage.

[7]. In the circumstances, without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

[8]. Disposed off.

03.12.2020

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No

