

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

227

CRM-M-36637-2020

Date of decision : 04.12.2020

Babu Singh

... Petitioner(s)

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. H.P.S. Ghuman, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.92 dated 12.10.2019, under Section 15 of the NDPS Act, registered at Police Station Ghagga, Tehsil Samana, District Patiala.

Learned counsel for the petitioner contends that 80 kgs. of poppy husk was allegedly recovered from the petitioner and co-accused. He also contends that if the recovery is divided among two accused, then it would fall within the non-commercial quantity. The petitioner is in custody for over a year and is not involved in any other case under the NDPS Act.

Learned State counsel upon instructions from ASI Sukhpal Singh states that although challan has been filed but no prosecution witness has been examined. He has filed custody certificate in Court through e-mail, which indicates that the petitioner is in custody for 01 year, 01 month and 19 days as on 03.12.2020.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over a year, he is not involved in any other case under the NDPS Act, the Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 04, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No