

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40277-2020 (O&M)

Date of Decision:-9.12.2020

Amandeep Singh @ Aman

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.42 dated 11.4.2018 at Police Station Talweandi Chaudhrian, District Kapurthala under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein the allegations are broadly to the effect that the petitioner was found in possession of 2 grams of 'heroin' and 722 loose tablets, which were found to be weighing 107.5 grams and upon chemical examination were found to contain 'alprazolam'.
2. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that in any case since it is a case of recovery of 'alprazolam', which is marginally above the quantity prescribed for 'commercial' quantity and since the petitioner has undergone a substantial period, he deserves to be released on bail.

3. Opposing the petition, the learned State counsel has submitted that since the petitioner was carrying two different types of contraband and one of which falls in the category of 'commercial' quantity, the petitioner does not deserve to be released on bail. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 8 months and that the petitioner is not involved in any other case. It has also been informed that as on date only 2 out of cited 12 PWs have been examined.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the facts and circumstances of the case and on account of the following reasons, this Court is of the opinion that the petitioner deserves to be released on bail:
 - i) the petitioner has undergone a substantial period of 2 years and 8 months;
 - ii) the petitioner is not involved in any other case;
 - iii) the recovered alprazolam is marginally above the quantity prescribed as commercial quantity;
 - iv) the trial in the present circumstances of pandemic not likely to be concluded as only 2 out of cited 12 PWs have been examined so far.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No