

MANJINDER SINGH @ SABA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Briefly, the FIR bearing No. 145 dated 06.08.2019 registered at Police Sadar Patiala, District Patiala under Sections 61 of the Punjab Excise Act, 1914 on the allegations that on 06.08.2019, 600 bottles of liquor were recovered from the vehicle of the petitioner.

In terms of order dated 04.10.2019, the petitioner was ordered to be released on interim bail. Another case FIR bearing No. 11 dated 16.01.2018 under Section 21 of NDPS Act was registered against the petitioner in which the untraced report was submitted. Consequently, the affidavit of Mandeep Singh Sidhu, PPS, Senior Superintendent of Police District Patiala was placed on record which indicated that during the course of investigation of FIR No.11 dated 16.01.2018 pertaining to NDPS Act, he was found innocent as it was found that intoxicant powder had been kept in his car by some other person.

Reverting to the present case, the recovery has already been effected.

The petitioner was remanded to judicial custody and has remained in such custody for a period of about 02 months. It has also been pointed out by the learned State

counsel that the report of Chemical Examiner has not yet been received.

Furthermore, 10 FIRs are stated to have been registered against the petitioner. It has been pointed out by the learned counsel for the petitioner that the petitioner has been acquitted in 02 cases, he is on bail in 06 cases and in remaining 02 cases, FIR has been cancelled.

Keeping in view the fact that the petitioner remained in judicial custody for a period of 02 months, the offence is triable by Judicial Magistrate 1st Class and also that the presentation of challan is likely to take sometime as the report of Chemical Examiner has not yet been received, no fruitful purpose will be served by detaining him in custody as the conclusion of the trial is likely to take sometime.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate concerned within a reasonable time as may be granted by the Court concerned.

26.02.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No