

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48779-2019
Date of Decision: 03.02.2020

Amar Chand

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab assisted by
ASI Resham Singh.

* * *

VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No. 123 dated 28.09.2019 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Basti Bawa Khel, District Jalandhar.

Copies of the bail orders in other cases have been placed on record.

Briefly, the FIR has been registered on the allegations that on 28.9.2019, 55 gms of heroin along with currency notes amounting to Rs.71,000/- were recovered from the possession of the petitioner. On the last date of hearing, it was pointed out that two more cases under the NDPS Act have been registered against the petitioner. Copies of the bail orders, placed on record, indicate that in case FIR bearing No. 146 dated 17.8.2018, under Section 21 of NDPS Act, 1985 registered at Police Station Division

No.2, Jalandhar, it was a case of recovery of 2 gms of heroin. The other

case FIR bearing No. 57 dated 04.05.2017, under Section 27 of NDPS Act, 1985, registered at Police Station Division No.2, Jalandhar, no recovery was effected from the petitioner. In both the other cases, petitioner is on bail.

It has been conceded that petitioner has not been convicted in other two cases registered against him.

The quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity. As such, the stringent provisions of section 37 of NDPS Act do not come into play. He is in custody since 28.9.2019. His custodial interrogation is over and he in judicial custody.

Considering the above and the fact that the presentation of challan and conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

03.02.2020
Janki

(VIVEK PURI)
JUDGE

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