

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.49681 of 2019 (O&M)
Date of Decision.09.12.2020
(Heard through VC)

Ajay Kumar @ Johny

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Arti Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.118 dated 08.08.2019 registered under Section 22 of NDPS Act at Police Station Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner *inter alia* would contend that there is non-compliance of Section 50 of the NDPS Act as would be evident from the FIR that has been registered. It is also argued that 18 injections of buprenorphine, 100 tables of Alprazolam and 60 capsules of Parvon Spas are alleged to have been recovered from the petitioner. The injections, 18 in number, are marginally higher than the commercial quantity whereas the latter two falls under non-commercial quantity. It is also argued that he has been in custody since 08.08.2019 and though the challan has been presented, several witnesses are yet to be examined.

Learned counsel appearing on behalf of the respondent-State would submit that the trial is likely to commence and the petitioner has been apprehended on earlier occasion also with contraband and therefore, being a

habitual offender should not be entitled to grant of regular bail.

I have heard learned counsel for the parties and have perused the custody certificate, which would reflect that the petitioner stands acquitted in the FIRs mentioned against him. The question whether there was non-compliance of Section 50 of NDPS Act would be a matter of trial, which is not proceeding on account COVID-19 pandemic situation.

Keeping in view the fact that the recovery made is marginally higher than the commercial quantity and in the similar circumstances, this Court has already allowed bail, coupled with the fact that the trial is likely to take some time to conclude owing to *novel corona virus* situation, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

December 09, 2020

Pankaj*

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