

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52447-2019

Date of Decision: 22.01.2020

Vijay Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

**Manoj Bajaj, J.**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.47 dated 11.08.2019, under Sections 21 and 22 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Taragarh, District Pathankot. He is in custody since his arrest on 11.08.2019.

The FIR was recorded on secret information to the effect that accused Pawan Kumar and Vijay Kumar being involved in the business of intoxicant material were coming on a motor cycle bearing No. PB-06-AE-3988 from Dina Nagar side along with intoxicant capsules. Thereafter checking of vehicles was started and accused were apprehended. On search, 500 intoxicant capsules were recovered from accused Vijay Kumar, whereas from the possession of co-accused Pawan Kumar, 1100 capsules were recovered.

Learned counsel for the petitioner contends that as per the prosecution, a secret information was received and, therefore, it was incumbent for the police to comply with the mandatory provision of Section

50 Narcotic Drugs and Psychotropic Substances Act, 1985, particularly when the alleged contraband was recovered from the pants of the accused persons. It is argued that the said provision was not complied with and, therefore, the recovery is vitiated. He submits that the investigation of the case is complete and the final report stands filed, therefore, further custody of the petitioner may not be necessary, who undertakes to face the trial.

On the other hand, learned State counsel assisted by ASI Manish Kumar does not dispute this fact that the recovery was effected from the trouser of the petitioner and Section 50 Narcotic Drugs and Psychotropic Substances Act, 1985 was not pressed into service. She states that the petitioner is not involved in any other case and the charges are yet to be framed.

After hearing learned counsel for the parties and considering the background of this case, this Court is of the opinion that the trial of the case is likely to consume considerable time and further detention of the petitioner may not serve any useful purpose, particularly when the investigation is complete. Resultantly, without meaning 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 trial Court concerned.

The petition is allowed

22.01.2020  
*Jasmine Kaur*

**(MANOJ BAJAJ)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
No