

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53108-2019
(Heard through VC)
Date of decision: 13.08.2020

Vijay Kumar**....Petitioner****V/s.****State of Punjab****.....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 160 dated 13.09.2019 registered under Section 22 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner submits that the recovery of 980 loose intoxicant tablets containing salt of Alprazolam has been effected from the petitioner, which is 5 grams above the commercial quantity. He has referred to order dated 18.11.2019 (Annexure P-2), whereby one of the co-accused namely Mani has been released on regular bail. He further contends that since the recovery is marginally higher than commercial quantity, he is entitled for concession of regular bail at par with his co-accused who has been granted bail vide order dated 18.11.2019.

Learned counsel for the State has emailed custody certificate dated 12.08.2020. As per this custody certificate, the petitioner has undergone 10 months and 26 days as on 12.08.2020 and there is no other

NDPS case pending against the petitioner. Challan has been presented on

20.01.2020.

Keeping in view order dated 18.11.2019 (Annexure P-2) granting concession of bail to the co-accused Mani and the fact that the trial will take some time for its conclusion, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

However a direction is being given to the State that if the petitioner is found indulging in any other NDPS Act irrespective of recovery of commercial or non-commercial quantity, application for cancellation of bail be moved immediately.

13.08.2020

Divyanshi

**RITU BAHRI
(JUDGE)**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No