

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

220

**CRM-M-54316-2019
Date of Decision : 09.01.2020**

Abhishek Thapar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. D.K. Bhatti, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.196 dated 07.11.2019 registered under Sections 21 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and under Section 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 registered at Police Station Division No.3, District Ludhiana.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR. No recovery was made from the petitioner. Allegedly 600 capsules of Tramadol Hydrochloride were recovered from co-accused Madhu Verma. The petitioner is in custody since 07.11.2019. He is not involved in any other case under the NDPS Act. Rigors of Section 37(1)(b) of the NDPS are not applicable qua the petitioner. Trial is likely to take long time and no purpose will be served by keeping the

petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other land, learned State Counsel has argued that the allegations against the petitioner are serious and the petitioner does not deserve the concession of regular bail. However, learned State Counsel has not disputed that recovery of contraband from possession of co-accused Madhu Verma.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, involvement of question as to whether the petitioner can be said to be in conscious possession of the contraband recovered from his co-accused Madhu Verma, non-applicability/satisfaction by due implication of the conditions of Section 37(1)(b) of the NDPS Act qua the petitioner and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

09.01.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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