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

CRM-M-630-2021

Date of decision-12.01.2021

Vicky Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mikhal Kad, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.189 dated 17.11.2020 registered under Sections 15 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Passiana, District Patiala. The petitioner is in custody since his arrest on 17.11.2020.

As per the prosecution case, on 17.11.2020, a secret information was received by the Police that Vicky Singh (petitioner) is habitual of selling poppy husk and today, he would be going to Patiala from dakla side riding his black and blue coloured motorcycle bearing registration No. PB-13-Z-5683 brand Hero Honda Splender with poppy husk. Acting upon the same, accused was apprehended. Upon search, 13 k.g. poppy husk was recovered.

Learned counsel for the petitioner contends that the alleged recovery of contraband (13 k.g. poppy husk) falls under the non-commercial

quantity. According to him, the investigation of the case is complete, therefore, his further custody may not be necessary. He has prayed that the concession of the regular bail be extended to the petitioner during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Inderjit Singh opposed the prayer. He has produced the custody certificate dated 12.01.2021, wherein his involvement in other cases under Excise Act is shown. However, it is not disputed that the petitioner is not involved in any other case of similar nature. It is pointed out that the investigation is nearly complete and challan is likely to be filed soon.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is yet to commence and it will take considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 17.11.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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.

12.01.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No