

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

CRM-M-1168 OF 2021

DECIDED ON: 15th JANUARY, 2021

Victor @ Vicky

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition is under Section 439 Cr.P.C. for regular bail in case FIR No. 124 dated 2.9.2019 under Sections 22, 29 of NDPS Act, 1985, registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur.

The facts in narrow compass are that the police party while patrolling near village Mulleyanwal, saw a person coming on black colour Activa Scooter. On seeking the police, he stopped the scooter and threw a black coloured polythene bag in the fields. He was apprehended and disclosed his name as Surjit Singh @ Kala. From the polythene bag 1200 intoxicating capsules (Ridley) were recovered. In disclosure statement made by accused, Victor @ Vicky was named. He was granted interim bail pending the FSL report, after receiving of FSL report, the prayer for bail was rejected.

Learned counsel for the petitioner submits that the petitioner has been named in disclosure statement which has no evidentiary value and recovery from him is of non-commercial quantity i.e. 50 intoxicant capsules weighing 33 grams.

Learned State counsel opposes the prayer and submits that the petitioner has been convicted in another case under NDPS Act. He was arrested only on 1.10.2020.

Considering the period of detention; the fact that the recovery is of non-commercial quantity and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

15th JANUARY, 2021

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*