

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

CRM-M-1430 of 2021

DECIDED ON: 15th JANUARY, 2021

Parmod Mandal

.....PETITIONER

VERSUS

The State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. B.S. Sidhu, 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 petitioner is before this Court for regular bail in case FIR No. 143 dated 14.8.2020 under Sections 22(c), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at P.S. Nehianwala, District Bathinda.

FIR was registered as recovery of 2000 intoxicant tablets was made from Mithun Kumar. He was going on a motor cycle bearing registration No. PB-30-P-6214 which was registered in the name of petitioner i.e. father of Mithun Kumar. On the basis of ownership of motor cycle DDR No. 16 dated 24.11.2020 was reported in Police Station Nehianwala. The petitioner was nominated accused under Section 25 of NDPS Act.

Learned counsel for the petitioner submits that no recovery was made from the petitioner; he was not present at the spot; he is unfortunate father whose son is allegedly indulged in such activities and there is no other case pending against the petitioner.

Learned State counsel opposes the prayer for bail and submits that Mithun Kumar was riding the motor cycle which is registered in the name of the petitioner.

Considering that there is no recovery from the petitioner; his son was apprehended during checking with intoxicating tablets; it was the usage of the motor-cycle by his son which resulted his nomination under Section 25 of NDPS Act; he is in custody since 24.11.2020 and there is no other case pending against the petitioner, 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

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>