

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

228

**CRM-M No. 2232 of 2021
Date of Decision:21.01.2021**

LAKHWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Ms.Monika Jalota, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

This petition has been filed under Section 439 Cr.P.C seeking regular bail in case bearing FIR No.291 dated 30.08.2020 under Section 21 (c) of the NDPS Act registered at Police Station Sultanpur Lodhi, District Kapurthala.

260 grams of heroin was allegedly recovered from the petitioner. Petitioner was arrested and recovery was effected as a chance recovery, when the petitioner, on seeing the police party, became nervous and took out a polythene bag from his right dub and threw it on the side of the road. On being weighed, the same was found to be 260 grams. The alleged recovery is marginally in excess of the quantity prescribed for commercial category.

Learned counsel for the petitioner placed reliance on Shinda vs. State of Punjab, 2013 (3) RCR (CrI.) 557 and Lakhwinder Singh @ Bittu vs. State of Punjab, 2012 (22) RCR (CrI.) 301. Petitioner is in custody since 30.08.2020. Challan has been presented, but charges have not been framed so far.

Per contra, learned State counsel opposed the bail on the ground that the recovery is of commercial in nature. Weight of the polythene bag cannot bring the contraband within the category of non commercial by any means.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

January 21, 2021
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(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No