

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

CRM-M-3179-2021
Decided on : 07.09.2021

Suraj Soni alias Suraj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. C.S. Rana, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

This is the second petition filed under Section 439 Cr. P.C. is for grant of regular bail to the petitioner in case FIR No.324 dated 26.11.2016, registered under Sections 22 (Act No.61 of 1985 dated 16th September, 1985) of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Basti Jodhewal, District Ludhiana City.

The earlier petition was disposed of granting interim bail to the petitioner.

Learned counsel for the petitioner submits that after the court order received, the petitioner could not appear and he was declared as proclaimed offender on 14.07.2019 and was arrested on 13.09.2019. He further submits that as on date, the petitioner is in custody for the last

Act.

Learned counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of ASI Jagraj Singh, while on a patrol duty, the petitioner under suspicion was apprehended and disclosed his name as Suraj Soni @ Suraj. Thereafter, having suspicion of carrying intoxicants, the petitioner was given a notice under Section 50 of the NDPS Act giving option to search by a Gazetted Officer or a Magistrate. However, the petitioner gave his consent to the investigating officer himself.

Learned counsel for the petitioner further submits that later on, the same investigating officer conducted the search of the petitioner and recovered 100 grams of intoxicant powder containing salt Diphenoxylate.

Learned counsel for the petitioner further submits that it is the matter of trial whether the provisions of Sections 42 as well as 50 of the NDPS Act have been properly complied with or not by the investigating officer. He further submits that despite the long custody of the petitioner, trial is not started and no prosecution witness has been examined.

Learned State counsel has filed custody certificate. As per

the custody certificate, the petitioner is not involved in any other case

under the NDPS Act and he is involved in two FIRs under the Indian Penal Code.

After hearing the learned counsel for the parties, without commenting upon the merits of the case, and considering the aforesaid facts and circumstances of the case, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/ Illaqa Magistrate concerned.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2021

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