

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

CRM-M-3301-2021 (O&M)

Date of Decision: 19.04.2021

(Heard through V.C.)

Babli Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.47 dated 19.03.2019, under Section 22 of the NDPS Act registered at Police Station City I Sangrur, District Sangrur.

Learned counsel for the petitioner herein would contend that he has wrongly been implicated in the said matter. In fact he was in custody when there is an alleged recovery of 65 tablets from the right pocket of the petitioner who was in custody. It is submitted that a reading of the statement of PW-3 would reflect that before a search was conducted upon him, there was non-compliance of Section 50 of the NDPS Act. In fact, Investigating officer has admitted that he did not call any Gazetted Officer on the spot nor did he prepared a consent memo. It is argued that it falls under the non-commercial quantity.

Learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail.

I have heard counsel for the parties and have also perused case file.

Keeping in view the facts and circumstances of the case and the fact the alleged recovery falls under the non-commercial quantity, I deem it appropriate to allow the petitioner benefit of bail, at this stage. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

19.04.2021

ps-I

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No