

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

CRM-M-4248-2021 (O&M)

Date of decision: 18.11.2021

Vijay Kumar @ Bawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, 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. 37 dated 09.03.2020, registered under Section 20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kartarpur, District Jalandhar.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police received a secret information that a person is coming on a scooter, who is indulged in selling of intoxicant tablets and if he is intercepted, he can be apprehended along with intoxicant tablets. Later on, the police noticed that a scooter is coming from the side of Jalandhar and on seeing the police party, the driver tried to take a 'U' turn but he was apprehended and on inquiry, he disclosed his name as 'Vijay Kumar @ Bawa', i.e. the present petitioner. Thereafter, the complainant/ASI opened the bag and saw some intoxicant tablets and then he sent a request to police station for sending a second Investigating Officer. Thereafter, recovery of

1200 tablets of *Alprazolam* and 1000 tablets of *Clovidol-100 SR* was effected.

Learned counsel further submits that petitioner is not involved in any other case; he is in judicial custody for the last 01 year, 08 months and 07 days and out of total 10 prosecution witnesses, only 02 witnesses have been examined so far, therefore, conclusion of trial is likely to take a long time.

Learned counsel further submits that it will be a matter of trial whether the provisions of Section 42 of the NDPS Act were complied with or not as after giving information, no information was reduced in writing and sent to the police station. It is further submitted that it will also be a matter of trial whether the provisions of Section 50 of the NDPS Act were complied with or not as without giving any notice, the recovery was effected.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

18.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No