

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

**CRM-M-3790-2021
Date of Decision : 12.10.2021**

GURPINDER SINGH @ MINTUPetitioner

VS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mohit Garg, Advocate, for
the petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

These are two applications in petition for Regular Bail in case FIR No. 178 dated 03.12.2020 registered under Sections 22 of NDPS Act 61 of 1985 registered at P.S. Longowal District Sangrur.

2) The petitioners were apprehended after they allegedly threw away two bags being carried by them while travelling by Motor Cycle bearing No. PB-10-BB-9690. From the bag allegedly thrown by the petitioner namely, Gurpinder Singh @ Mintu, 400 intoxicant tablets were recovered while another 300 intoxicant tablets were allegedly recovered from the bag thrown by Tarsem Singh @ Shambhu.

3) Learned counsel for the petitioners states that according to the FIR itself the contraband being individually carried by each of the petitioners in their separate bags was undoubtedly below the commercial quantity and considering that aspect, the rigour of Section 37 of the NDPS would not apply. This is indeed a debatable point raised on behalf of the petitioners since admittedly the contraband allegedly being carried by and

separately thrown away by each of the petitioners individually, was below the commercial quantity.

4) By now the petitioners have already remained in detention for more than ten months. There is no record of their involvement in any other case under the NDPS Act. The trial is yet to commence even the charges have not been framed. Further detention of the petitioners for an indefinite period at this stage in the circumstances would not appear to be called.

5) In the circumstances, considering the long detention already undergone by the petitioner, they are ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6) Allowed.

13.10.2021
Monika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No