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

(Through video-conferencing)

**CRM-M No.5146 of 2021
Date of Decision: 16.08.2021**

GULZAR SINGH @ MAU

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.171 dated 23.05.2020, registered under Sections 22 & 29 of the NDPS Act at Police Station City Kapurthala, District Kapurthala.

Petitioner has been nominated on the basis of disclosure statement of co-accused Gurbinder Singh @ Sonu from whom 255 grams of intoxicant substance was recovered. Gurbinder Singh @ Sonu made the alleged disclosure statement naming the petitioner. Petitioner is accused under

Section 29 of the NDPS Act. No recovery has been effected from the petitioner.

Learned counsel for the petitioner submits that in FIR No.73 dated 08.04.2020 under Sections 22/29/61/85 of the NDPS Act at P.S. Kotwali Kapurthala, Distt. Kapurthala, petitioner has been granted anticipatory bail by the Judge, Special Court, Kapurthala vide order dated 18.04.2020. Similarly in FIR No.67 dated 12.04.2019 under Section 22/61/85 of the NDPS Act, P.S. Kotwali Kapurthala, Distt. Kapurthala, petitioner has been granted interim bail by the Judge, Special Court, Kapurthala vide order dated 06.09.2019. In FIR No.167 dated 20.07.2018 under Section 22 of the NDPS Act, P.S. Kotwali Kapurthala, Distt. Kapurthala, petitioner has been granted interim bail vide order dated 27.02.2019 by the Judge, Special Court, Kapurthala.

Learned State counsel opposed the bail, however he admits the factual position of the case. He further submits that challan has been presented, however no prosecution witness has been examined so far.

The alleged recovery from the co-accused is 255 grams of intoxicant powder which on analysis was found to be of Alprazolam which was allegedly supplied by the petitioner to the co-accused Gurbinder Singh @ Sonu.

Since the petitioner has been nominated on the basis of disclosure statement of co-accused and no recovery has been effected from him, therefore, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 29.11.2020.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

August 16, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

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