

LACHHMAN SINGH @ LACHU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been filed by the learned
State counsel in Court today through email and the same is taken on record.

The petitioner is seeking regular bail in the case bearing FIR No. 135
dated 11.10.2019 under Section 22 of Narcotic Drugs & Psychotropic Substances
Act. 1985, registered at Police Station Dialpura, District Bathinda.

Briefly, the FIR has been registered in pursuance of recovery of 700
tablets of Tramadol Hydrochloride and 200 tablest of Alprazolam being carried by
the petitioner.

It has been stated by the learned counsel for the petitioner that the
petitioner is in custody since 11.10.2019 and trial is not progressing. The quantity
of Tramadol Hydrochloride recovered from the possession of the petitioner

quantity and the quantity of Alprazolam is to the extent of 29.606 gram which is less than commercial quantity. The petitioner was allegedly carrying the contraband in a transparent bag which sounds to be improbable. It has been further stated that no other case has been registered against the petitioner.

On the contrary, it has been stated by the learned State counsel that the quantity of Tramadol Hydrochloride recovered from the possession of the petitioner falls in the category of commercial quantity.

In the case in hand, custody certificate dated 20.02.2021 indicates that the petitioner is in custody for the last 01 year 04 months and 06 days. In **Jagjit Singh @ Jagga Gill Versus State of Punjab, 2020 (2) RCR Criminal 612**, the Co-ordinate Bench of this Court has observed that the bar under Section 37 of NDPS Act in case of commercial quantity is not absolute in nature when the recovered contraband is slightly more than commercial quantity. Even, in the instant case, the quantity of Tramadol Hydrochloride is marginally above the commercial quantity and the quantity of Alprazolam recovered from the possession of the petitioner falls in the category of less than commercial quantity. There is nothing to indicate that the petitioner is involved in any other case much less under NDPS Act. Furthermore, the trial of the case is not progressing and even the charges are yet to be framed and the case of the prosecution is hinging of the deposition of official witnesses only. In such circumstances, it cannot be said that the petitioner can tamper with the evidence or influence the witnesses. The conclusion of the trial is likely to take sometime particularly because the charges are yet to be framed and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of circumstances, the ends of justice will meet if the petitioner is extended the concession of bail.

instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.02.2021
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(VIVEK PURI)
JUDGE

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