

MAHAVEER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Balwinder Singh Jolly, Advocate
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, 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 State
counsel in Court today through email and the same is taken on record.

Mahaveer Singh-petitioner is seeking regular bail in the case bearing
FIR No. 63 dated 08.08.2019 under Sections 22 of NDPS Act, 1985, registered at
Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Briefly, the case has been registered in pursuance of the recovery of
11 injections of Bupernorphine from the possession of the petitioner.

The learned counsel for the petitioner has placed reliance upon the
order passed by this Court in *Aruna @ Runa Vs State of U.T. Chandigarh*
2020(2)RCR(Criminal)766 and Nishant Jain Vs. Union Territory of
Chandigarh 2019(4)RCR (Criminal)204 wherein the bail was granted to the
petitioner in case of recovery of 12 injections and 14 injections of Buprenorphine
respectively.

It has been argued that the quantity of contraband recovered from the
possession of the petitioner is marginally above the commercial quantity.

Furthermore, the petitioner has been acquitted in one another case registered against him, 04 other cases have been registered against him but he is on bail in three cases and no other case under NDPS Act has been registered against him. The investigation of the case is complete and the challan has been presented. It has been further stated that the petitioner is in custody for the last about 01 year, 07 and 04 days , the challan though presented but no witness has yet been examined by the prosecution.

On instructions from ASI Avtar Singh, learned State counsel has not disputed the aforesaid factual aspects.

The quantity of contraband recovered from the possession of the petitioner is marginally above the commercial quantity and the charge is yet to be framed. The conclusion of the trial is likely to take sometime 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.

Without expressing any opinion on the merits of the case, the 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.

15.03.2021
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(VIVEK PURI)
JUDGE

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