

213

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 10276-2021

Date of Decision: 17.09.2021

Simranpal Singh

Petitioner

Versus

Union of India through Intelligence Officer,
Narcotics Control Bureau, Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Rana, Advocate
for the petitioner.

Ms. Shweta Nahata, Advocate for NCB.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed for seeking regular bail in Crime No. 49, dated 29.09.2020, under Sections 8, 20, 25, 27-A and 29 of NDPS Act, 1985 registered at Police Station Mullanpur, SAS Nagar, Mohali.
3. The case against the petitioner is that he is one of the occupants of the car from which the recovery of 1 kg 5 gm of *charas* was made.
4. Learned counsel for the petitioner submits that no recovery was made from the conscious position of the petitioner. The recovery was made from the petitioner is marginally higher than commercial quantity. Petitioner has no criminal antecedents. Investigation is complete. Petitioner is in custody since 29.09.2020. No recovery was made from the petitioner.
5. Learned counsel appearing for NCB opposes the prayer for grant of regular bail. She submits that recovery is of commercial quantity. During investigation, it revealed that petitioner had paid Rs. 42,000/- as part payment for purchase of *Charas*.

6. Petitioner is in custody since September, 2020. Investigation is complete, he has no criminal antecedents. The recovery is of commercial quantity.

7. Considering the facts and circumstances of the case in totality, petitioner is granted bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

17th September, 2021

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No