

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CRM-M-12012-2021
DATE OF DECISION: 03.08.2021

MOHAMMAD SUHAIB @ SABI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amardeep Singh Sukhija, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.13 dated 19.01.2021, under Section 22 of the NDPS Act, 1985, registered at Police Station Sandaur, District Sangrur.

Learned counsel for the petitioner contends that it is alleged that 500 tablets of Celcidal-100 SR containing Tramadol with a total weight of 203 grams was recovered from the petitioner. He further contends that recovery is below the threshold of 250 grams as commercial quantity. The petitioner is in custody for over 6 ½ months and he is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from ASI Malwinder Singh, contends that recovery which is effected from the petitioner is non-commercial but if recovery of the co-accused is clubbed with the petitioner then it would be commercial. He has filed custody certificate which indicates that the petitioner is in custody for a period of 6 months 11 days.

Heard.

In view of the above, especially when the recovery effected from the petitioner is non-commercial quantity, he is in custody for over 6 months, he is not involved in any other case under the NDPS Act, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

03.08.2021

SwarnjitS

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