

In virtual Court

CRM-M-12298-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12298-2021 (O&M)
Date of decision: 28.04.2021

Anadil

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.323 dated 26.12.2020 (wrongly mentioned as 26.11.2020 in the order dated 25.02.2021) under Section 20 of NDPS Act, registered at Police Station Kotwali Patiala, District Patiala.

Learned counsel for the petitioner submits that the petitioner is first offender and is not involved in any other case. It is further submitted that challan stands presented and trial will take some time in conclusion of the same, as the charges are yet to be framed. It is also submitted that as per allegations in the FIR, the police party, on seeing a person coming on feet with a plastic bag in his hands, apprehended him on suspicion and thereafter, the Investigating Officer gave him a notice to be searched in presence of a Magistrate or a

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Gazetted Officer and thereafter, recorded his consent that the Investigating Officer can conduct the search of the bag, which he is carrying in his hands.

Learned counsel for the petitioner has further submitted that it will be a debatable issue whether provisions of Section 50 of NDPS Act were properly complied with or not. It is further submitted that recovery is of non-commercial quantity.

Learned State counsel has filed the custody certificate dated 28.04.2021 in the Court today, accordingly to which, the petitioner is in custody for the last about 04 months and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.04.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No