

SATNAM SINGH @ SODHI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narinder Lucky, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, 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 circulated through email today and the same is taken on record.

Briefly, the FIR bearing No. 253 dated 14.07.2019 under Section 22 NDPS Act, 1985, at Police Station Phillaur, District Jalandhar Rural has been registered in pursuance of recovery of 15 injections of Avil of 10 ml each and 15 injections of Buprenorphine of 2 ml each.

The case has been registered in pursuance of recovery of 15 injections of Buprenorphine which were being carried by the accused.

It has been contended by the learned counsel for the petitioner that the recovery has been effected from the bag which was allegedly thrown by the petitioner and as such it becomes debatable as to whether the petitioner was in the conscious possession of the contraband. Moreover, the quantity of contraband allegedly recovered from the possession of the petitioner is marginally above the commercial quantity, the petitioner is in custody for the last about 02 years 03

11 witnesses has been examined.

On the contrary, learned State counsel has opposed the bail application on the score that the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity and his earlier application for bail has been dismissed by a speaking order dated 27.10.2020. On instructions from ASI Sukhwinder Pal, learned State counsel has acknowledged the fact that so far only 01 out of 11 witnesses has been examined.

It is no doubt true that the earlier bail application of the petitioner was dismissed by a speaking order dated 27.10.2020 but it is significant to note that so far only 01 out of 11 witnesses has been examined. The long incarceration during the course of trial provides sufficient change of circumstances to extend the concession of the bail to the petitioner. Moreover, it will also remain debatable during the course of trial as to whether the petitioner could have justified reason to keep the contraband with him as per the provisions of Rule 66 of NDPS Rules. Although, the delay in trial may be the result of unusual times due to Covid-19 situation but keeping in view the fact of long incarceration of the petitioner, 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.

28.10.2021
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(VIVEK PURI)
JUDGE

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