

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15214-2021 (O&M)
Date of Decision:- 28.6.2021

Badal @ Badal Sabharwal

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jatinder Singh Gill, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Ashwani.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No. 17, dated 30.1.2018, Police station Islamabad, District Amritsar, under Section 22 of NDPS Act wherein the allegations are to the effect that the petitioner was found in possession of 970 tablets of 'Alprazolam' total weighing 115.43 grams.
2. Learned counsel for the petitioner submits that it is a case of recovery of contraband which is marginally above the quantity prescribed as 'commercial quantity' which is 100 grams. It has further been

submitted that the petitioner has been behind bars since the last about 2 years and 4 months and that trial is virtually at a stand still.

3. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband and since 5 out of 11 PWs already stand examined, no case for grant of bail is made out. Learned State counsel has however, not disputed the fact that the petitioner has been behind bars since the last about 2 years and 4 months and that he is not wanted in any other case. It has however, been informed that although the petitioner was previously involved in one case under NDPS Act but he stands acquitted.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner has a clean record and is not stated to be involved in any other case and has been behind bars for a substantial period of 2 years and 4 months and while also bearing in mind the quantity of contraband alleged recovered, which is stated to be slightly above the 'commercial quantity', the petition is accepted particularly bearing in mind that the proceedings of the trial are virtually at a standstill on the ground of spread of pandemic. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.6.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No