

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

CRM-M-17465-2021 (O&M)
Date of Decision:-31.8.2021

Sukhpreet Singh @ Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Goel, Advocate for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.46 dated 27.2.2021 at Police Station Civil Lines Patiala, District Patiala under Sections 21 and 61 Narcotic Drugs and Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.
2. As per the case of prosecution, the petitioner was found in possession of 80 grams of 'smack' on 27.2.2021.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. Learned counsel has further submitted that the recovered quantity, in any case, falls in the category of

non-commercial quantity and since the challan already stands presented, the petitioner deserves to be released on bail.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in two other cases under NDPS Act on previous occasions and that, in these circumstances, he is disentitled for grant of bail.
5. I have considered rival submissions addressed before this Court.
6. It is a case of recovery of 80 grams of 'smack', which would fall in the category of non-commercial quantity. The petitioner has been behind bars since the last about 6 months and challan already stands presented. Although the petitioner is stated to be involved in 2 other cases under NDPS Act but the said cases are stated to be in respect of recovery of small quantity as has been submitted by learned counsel for the petitioner. In any case, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time. 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.

31.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No