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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No. 18278 of 2021
Date of Decision: 21.05.2021

Maan Singh @ Mahan Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.40 dated 17.03.2021 under Section 21 (b) of NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station Kotbhai, District Sri Muktsar Sahib.

FIR was registered when the petitioner and co-accused were arrested by the police party. Three boys riding a motorcycle were seen coming towards police party from Gurusar Chowk. On seeing the police party, they tried to turn back and the motorcycle got slipped. All the three boys were

apprehended. They were arrested on the basis of suspicion. 10 grams of Heroin was recovered from Maan Singh, 20 grams of Heroin was recovered from Krishan Singh and 20 grams of Heroin was recovered from Ranjit Singh. In their disclosure statements, they named Mandeep Singh and a raid was conducted in the house of Mandeep Singh and he was not found there.

The stand of Mandeep Singh in CRM-M No.15240 of 2021 is that the house does not belong to him, rather his father had already disowned him. 260 grams of Heroin was allegedly recovered from the house where raid was conducted to nab co-accused Mandeep Singh.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner is of non-commercial nature.

Petitioner is in custody since 17.03.2021.

Petitioner is not involved in any other case under NDPS Act and bar of Section 37 of NDPS Act is not attracted in case of non-commercial quantity.

Per contra, learned State counsel on instructions from SI Harpreet Kaur opposed the bail on the ground that the petitioner is a member of gang operating in dealing with narcotics.

Recovery of contraband is non-commercial in nature and this fact is not disputed.

At this stage, without commenting anything on the merits of the case and the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

May 21, 2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No