

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

CRM-M-19324-2021

Date of Decision: 6th December, 2021

Manish Kumar @ Machhar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Anmol Puri, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.34, dated 30th January, 2021, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Kotwali, District Patiala.

2. The brief facts of the case are that on 30th January, 2021, during the routine patrolling police checked a scooter bearing registration No. PB-11AJ-9266 near Kalodi Gate, Patiala. Petitioner was apprehended and sixty gram of intoxicating powder was recovered from him.

3. Learned counsel for the petitioner submits that it is a case of false implication. The contraband was weighed along with the polythene. Petitioner is in custody since 30th January, 2021, investigation is complete and petitioner has no criminal antecedents.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that recovery is of commercial quantity. However, he fairly submits that petitioner is not involved in any other case under the

5. As per the contention, the contraband recovered was weighed alongwith the polythene. Taking the case at the highest utmost that the recovery is marginally higher than the limit prescribed for commercial. The investigation is complete and petitioner has no criminal antecedents he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
6. The petition is allowed.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

6th December, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>