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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-22246-2021

DATE OF DECISION: 28<sup>th</sup> JULY, 2021

SANJAY YADAV @ SANJU

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M.S. Rana, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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**AVNEESH JHINGAN, J (Oral):**

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition under Section 439 of Cr.P.C. seeking regular bail in FIR No.233, dated 24<sup>th</sup> October, 2020, under Section 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Lohian, District Jalandhar.

[3] The brief facts are that during routine checking on 24<sup>th</sup> October, 2020, the police party apprehended Sanjay Yadav @ Sanju (petitioner). 2.560 KG of opium was recovered from his conscious possession.

[4] Learned counsel appearing for the petitioner submits that the recovery is slightly higher than the commercial quantity prescribed under the Act. As per the Act, the commercial quantity of opium is 2.5 Kg. He further submits that investigation is complete, challan stands presented and

no recovery is to be made.

[5] Ms. Monika Jalota, Deputy Advocate General, Punjab, opposes the prayer for grant of regular bail. She, on instructions from SI Sawinder Singh submits that petitioner belongs to Bihar, if enlarged on bail there are chances of his absconding. She fairly submits that petitioner is not involved in any other NDPS case.

[6] Learned counsel for the petitioner at this stage submits that the petitioner is ready to furnish a local surety of ₹3.00 lakhs to meet the apprehension raised by learned State counsel.

[7] In the present case, the recovery is marginally higher than the commercial quantity. No recovery is to be made. The investigation is complete. The conclusion of trial is likely to take time. Petitioner is not involved in any other NDPS case. The petitioner is granted bail. The bail would be subject to furnishing a local surety to the tune of ₹3.00 lakhs to the Chief Judicial Magistrate/Duty Magistrate concerned.

[8] The petition is allowed.

[9] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**[AVNEESH JHINGAN]**  
**JUDGE**

**28<sup>th</sup> JULY, 2021**  
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|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable         | : | Yes |