

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 20857 of 2020

Date of Decision: 29.9.2021

Vikram Akash Kumar @ Seela

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 236 dated 10.9.2019 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Custody certificate by way of affidavit of Additional Superintendent, Central Prison, Faridkot dated 28.9.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that recovery of 80 bottles of Onerex syrup, 1200 tablets of Tramadol Hydrochloride and 950 tablets of Carisoma, were allegedly effected from the petitioner and co-accused and the Carisoma tablets do not fall under the NDPS Act; that the alleged recovery does not fall under the commercial quantity; that the challan has

already been presented but the charges are yet to be framed and

that the petitioner has been in custody for the last 02 years and 15 days. He further submits that so far other case under the NDPS Act, against the petitioner is concerned, in that case, the alleged recovery is 05 gram of smack, which is non-commercial quantity and the petitioner is on bail in that case.

On the other hand, learned State counsel opposes the bail petition and submits that the recovery effected from the petitioner falls under the commercial quantity and another case under the NDPS Act is also pending against him.

I have heard the learned counsel for the parties.

In the present case, the recovery has been effected from two persons. In the other case under the NDPS Act, which pertains to recovery of small quantity of the contraband, the petitioner is already on bail. As per the custody certificate, the petitioner has been in custody for more than 02 years and 15 days. Challan has been presented but the charges are yet to be framed. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 29, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No