

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

**CRM-M-30156-2021 (O&M)**

**Date of decision: 15.11.2021**

Darshan Singh @ Nikku

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Sandeep Kumar Passi, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

\*\*\*\*

**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 177 dated 22.10.2019, registered under Sections 22 and 25 of the NDPS Act, 1985, (Section 29 of the NDPS Act added later on), at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The alleged recovery of total 5300 Clovidol intoxicant tablets was effected from the petitioner, while he was sitting as a pillion-rider on a motor-cycle, which belongs to one Boghar

Ram. There is no other pending or decided case against the petitioner under the NDPS Act. The petitioner has been in custody since 22.10.2019. The prosecution witnesses are yet to be examined.

Learned State counsel, while vehemently opposing the prayer for bail submits that the recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and that there is no other pending or decided case under NDPS Act against him. He submits that out of 17 prosecution witnesses, none has been examined, so far. The petitioner is also facing three more cases under the Excise Act.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.10.2019. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would taken a long time. Moreover, there is no other pending or decided case under the NDPA Act, against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**15.11.2021**

*Mangal Singh*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No