

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

223

CRM-M-31072-2021 (O&M)
Date of decision: 02.11.2021

Balvir Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Meenu, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

HARNARESH SINGH GILL , J. (ORAL)

Through this petition, the petitioner seek regular bail in case bearing FIR No.14 dated 05.02.2021 under Sections 22 and 29 of NDPS Act, registered at Police Station Moga, District Moga.

Short reply by way of affidavit dated 29.10.2021 of Deputy Superintendent of Police, City Moga, submitted by the learned State counsel, is taken on record.

Learned Counsel for the petitioner submits that the petitioner is running a chemist shop with a valid licence issued by the Licensing Authority and has been falsely implicated in the present case and has been in custody since 05.02.2021. She further submits that there is one other case registered under NDPS, Act against the petitioner in which he has been acquitted vide order dated 23.01.2020.

Per contra, learned State counsel while opposing the prayer for grant of regular bail to the petitioner, has not disputed the fact that the petitioner was having valid licence but the said licence restricted to a specific area. It is submitted that the petitioner was also not having bills and invoices of the recovery items which have been effected from him. He also does not dispute the fact that there is no other case pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.02.2021 and in another case registered under NDPS Act, he has been acquitted. The trial is unlikely to conclude any time soon as no prosecution witnesses are examined till date. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, petitioner is running chemist shop with a valid licence.

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

(HARNARESH SINGH GILL)
JUDGE

02.11.2021
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Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No