

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

CRM-M-32657-2021 (O&M)

Date of decision: 07.12.2021

Sunny Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No. 90 dated 29.9.2020 under Section 22 of the NDPS Act, 1985 registered at Police Station Behram, District Shaheed Bhagat Singh Nagar, the first one having been dismissed as withdrawn on 06.04.2021.

Copy of custody certificate by way of affidavit dated 29.11.2021 of the Additional Superintendent, Central Jail, Ludhiana, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner submits that the alleged recovery of 1200 tablets of Alprozolam, which is above the commercial quantity, and 700 tablets of Clovidol-100 SR, which is non-commercial, was effected from a polythene bag held by the co-accused, while they were sitting in a sweet shop. It is further submitted that the petitioner has been in custody

since 29.09.2020 and that out of 17 prosecution witnesses, none has been examined so far. There is no other pending or decided case under NDPS Act against the petitioner.

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 the factum that the petitioner is not involved in any other case under NDPS Act. The prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.09.2020. The recovery was effected from the polythene bag thrown on the table by the co-accused, who in the company of the petitioner at a sweet shop. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Moreover, there is no other case under NDPS 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

07.12.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No