

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

**CRM-M-33043 -2021
Date of Decision : 13.10.2021**

TARSEM SINGH @ SHAMBHU ...Petitioner

VS

STATE OF PUNJAB ...Respondent

CRM-M-3790-2021

GURPINDER SINGH @ MINTU ...Petitioner

VS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner in (CRM-M-33043-2021).

Mr. Mohit Garg, Advocate, for
the petitioner in (CRM-M-3790-2021).

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

These are two petitions filed under Section 439 Cr.P.C. filed on behalf of the petitioner in case FIR No. 178 dated 03.12.2020 registered under Sections 22 of NDPS Act 61 of 1985 registered at P.S. Longowal District Sangrur.

2) The petitioners were apprehended after they allegedly threw away two bags being carried by them while travelling by Motor Cycle bearing No. PB-10-BB-9690. From the bag allegedly thrown by the petitioner namely, Gurbinder Singh @ Mintu, 400 intoxicant tablets were

recovered while another 300 intoxicant tablets were recovered from the bag allegedly thrown by Tarsem Singh @ Shambhu.

3) Learned counsel for the petitioners state that according to the FIR itself, the contraband being individually carried by each of the petitioners in their separate bags was undoubtedly below the commercial quantity and considering that aspect, the rigour of Section 37 of the NDPS would not apply. This is indeed a debatable point raised on behalf of the petitioners since admittedly the contraband allegedly being carried by and separately thrown away by each of the petitioners individually, was below the commercial quantity.

4) By now the petitioners have already remained in detention for more than ten months. There is no record of their involvement in any other case under the NDPS Act. The trial is yet to commence even the charges have not been framed. Further detention of the petitioners for an indefinite period at this stage in the circumstances would not appear to be called for.

5) In the circumstances, considering the long detention already undergone by the petitioners they are ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6) Allowed.

7) A photocopy of this order be placed on the file of other connected case.

13.10.2021
Monika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No