

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

CRM-M-33940 of 2021

Date of Decision: 01.10.2021

Ajay Kumar

Petitioner

Versus

Union of India

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Angel Sharma, Advocate for the petitioner.
Ms. Gurmeet Kaur, Advocate for Union of India-NCB.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case Crime No. 46 dated 26.9.2020, under Sections 8, 20, 27A and 29 of the NDPS Act, 1985 registered by Narcotics Control Bureau (NCB), Chandigarh.

The brief facts are that on 26.9.2020, acting on a specific information Ajay Kumar (petitioner) along with co-accused Tula Ram were apprehended at ISBT, Sector 43, Chandigarh. 997 grams of charas was recovered from the petitioner and 265 grams of heroin was recovered from Deepak on the disclosure statement of Tula Ram.

Learned counsel for the petitioner submits that it is a case of false implication, the alleged recovery is of non-commercial quantity and the petitioner has no criminal antecedents.

Learned counsel for Union of India-NCB contends that 997

grams of charas was recovered from the petitioner and 265 grams from Deepak, who is maternal uncle of the petitioner. The contention is that the case should be considered after adding both the recoveries.

Considering that the petitioner is in custody since 26.9.2020, investigation is complete, challan stands presented, the petitioner has no criminal antecedents and the recovery from the conscious possession of the petitioner is of non-commercial quantity, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

1st October, 2021

mk

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No