

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-34531-2020
Decided on : 25.02.2021

Satnam Singh @ Chacha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Riffi Bala, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.179 dated 16.08.2020 registered under Section 22 of NDPS Act, 1985 at Police Station City Fazilka District Fazilka.

Learned counsel for the petitioner inter alia contends that the recovery of 720 Clovidol 100-SR effected from the petitioner is marginally higher than the minimum prescribed 'commercial quantity'. She further submits that in the wake of alleged recovery being just marginally higher than the commercial quantity, the petitioner be extended the concession of regular bail since the petitioner is not involved in any other criminal case much less under the NDPS Act. The petitioner has been in custody since 16.08.2020 and challan has been presented as on date. Hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that no doubt the recovery

is marginally higher but it falls under the commercial quantity. He, on instructions from ASI Balkar Singh has submitted that the charges are likely to be framed on the next date of hearing.

Heard.

The petitioner has been in custody since 16.08.2020 and the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

25.02.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No