

CRM-M-35320-2020

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

CRM-M-35320-2020

Date of decision:24.02.2021

Rajesh Paswan

...Petitioner

Versus

Narcotic Control Bureau, Udyog Path, near Chitkara International School,
Sector 25 (West), U.T. Chandigarh.

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sahil Khunger, Advocate,
for the petitioner.

Ms. Gurmeet Kaur Gill, Standing Counsel for the
respondent-NCB.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Reply dated 18.02.2021, by way of affidavit of the Intelligence
Officer, NCB, Chandigarh, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in crime
case No.36 dated 02.08.2019, registered at Police Station Narcotic Control
Bureau, Chandigarh, under Sections 8, 18 and 29 NDPS Act, 1985.

Learned counsel for the petitioner submits that the recovery of
opium allegedly effected from the petitioner is marginally above the non-
commercial quantity; that co-accused, Shiv Kumar has already been
enlarged on bail and that the petitioner has been in custody since
02.08.2019.

On the other hand, learned State counsel while opposing the
prayer made in the present petition, submits that a raid had been conducted

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on the basis of some secret information and the recovery had been effected from the petitioner. However, she does not dispute the fact that the witnesses could not be examined due to Covid-19 pandemic, and the case is now fixed for 05.03.2021. She also admits that there is no other case pending or registered against the petitioner.

I have heard the learned counsel for the parties.

The recovery of opium allegedly effected from the petitioner is marginally above the non-commercial quantity. The petitioner has been in custody since 02.08.2019. Trial of the case would take time to conclude. Therefore, 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 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.

24.02.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No