

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

**CRM-M No. 40726 of 2021 (O&M)
Date of Decision: 22.11.2021**

Joginder Kumar @ Noni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C. seeks regular bail in case FIR 96 of 19.06.2021, which was registered against him, at Police Station Kathgarh, District SBS Nagar, constituting therein offence(s) under Section 22 (Section 31 added in challan) of the NDPS Act.

2. The learned State Counsel, has, on instructions, meted to him from the Investigating Officer (IO), made a submission, that only a small quantity of the relevant psychotropic substance has become recovered from the alleged conscious, and, exclusive possession of the accused.

3. Even though with respect to the afore recovery being made, the rigors of Section 37 of NDPS Act, are not applicable, and, though hence this Court would be constrained to accord the indulgence of bail, to the bail applicant.

4. However, the learned State Counsel submits, that since the bail applicant is repeatedly indulging in committing offences, under the NDPS

Act, thereupon, this Court may not grant any indulgence of bail to the petitioner.

5. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not re-indulge in any criminal activity, whereupon, on breach thereof, the benefit of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

6. Consequently, with condition (*supra*) the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance.

November 22, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>