

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

**CRM-M No.35921 of 2020
Date of decision-22.03.2021**

Rakesh Kumar ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Jasvir Singh Dhaliwal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.347 dated 12.08.2020 registered under Sections 22, 25, 27(a) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Mansa, District Mansa, Punjab. The petitioner is in custody since his arrest on 12.08.2020.

According to the prosecution, when the Police party consisting of ASI Mewa Singh and Constable Gupiar Singh were on patrolling and special checking at link road between Nangal Khurd and Sirsa-Mansa main road, accused Gurdeep Singh was apprehended and 64 strips of Clevidol-100 SR tablets (Tramadol) were recovered from his possession. During enquiry, Gurdeep Singh told that he bought these narcotic tablets from Rakesh Kumar (petitioner). Thereafter, Rakesh Kumar was also arrested on the same day

and 310 Clevidol 100 SR tablets, 47000 more tablets of same nature and 82800 Etizolam tablets were also recovered from him (petitioner). However, tablets Etizolam do not fall within the ambit of NDPS Act.

Learned counsel for the petitioner contends that initially co-accused Gurdeep Singh was arrested by police on the basis of a secret information and 640 tablets of 'Tramadol' were recovered from his possession. Learned counsel further contends that on the basis of the disclosure statement, the petitioner was implicated as an accused and was arrested on the same day i.e. 12.08.2020.

Learned counsel has drawn the attention of this Court to the licence (Annexure P-1) issued by the competent authority having validity upto 04.02.2025 to contend that the petitioner being proprietor of 'Vijay Medical Hall' was authorised to keep the tablets, allegedly recovered from his godown. According to him, the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary as he is not involved in any other case. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel on instructions from ASI Balvir Singh has opposed the prayer and submits that the recovered contraband would fall within the ambit of commercial quantity. According to him, the investigation of the case is complete and the Trial Court has recently

framed charges on 09.03.2021, but no prosecution witness has been examined so far. He further on instructions states that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background as well as his custodial period, this Court is of the opinion that the petitioner has made out a case for his release on bail as he is not involved in any other case of similar nature. Admittedly, the petitioner is presently confined in judicial custody since 12.08.2020 and his further detention may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM, Mansa.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.03.2021

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Whether speaking/reasoned : Yes No

Whether Reportable : Yes No