

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

**CRM-M-38031 of 2020 (O&M)
DECIDED ON: 14th JANUARY, 2021**

Deepak Kumar

.....PETITIONER

VERSUS

The State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.K. Virk, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is before this Court for regular bail in case FIR No. 343 dated 7.12.2018 under Section 15 of NDPS Act, 1985, registered at Police Station Phillaur, District Jalandhar.

The facts in narrow compass are that on a secret information received that petitioner-Deepak Kumar and Vishal Kumar were selling Poppy Husk, a raid was conducted. 77 kg 500 gm Poppy Husk was recovered from petitioner. The house of Vishal Kumar was also raided, the same was locked. He was apprehended and recovery of Poppy Husk was made from him.

Mr. S.K. Virk, Advocate appearing for the petitioner submits that the petitioner has been falsely implicated; he is in custody since 7.12.2018; no recovery is to be made and there is no other case pending against him. He relies upon the fact that co-accused-Vishal Kumar was granted bail.

Learned State Counsel submits that the recovery is of commercial quantity. She contends that Vishal Kumar was not apprehended from the spot, hence, the petitioner cannot claim parity with Vishal Kumar.

The search was conducted on 7.12.2018, challan was produced on 20.3.2019 and charges were framed on 1.8.2019. Till date not even a single prosecution witness has been examined.

As per the instructions from ASI Paramjit Singh, State counsel is not in a position to dispute the fact that no other case is pending against the petitioner under NDPS Act.

The fact that trial is likely to take time. Even after almost 21 months after filing of the challan not even a single prosecution witness has been examined, the petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

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

14th JANUARY, 2021
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>