

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

CRM-M-43463-2021

Date of Decision: 27th October, 2021

Tula Ram

... Petitioner

Versus

Union of India through Narcotics Control Bureau (NCB)

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Angel Sharma, Advocate for the petitioner.

Ms. Gurpreet Kaur Gill, Sr. Panel counsel for UOI (NCB)
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 of Code of Criminal Procedure is filed seeking regular bail in case Crmie No. 46, dated 26.09.2020, under Sections 8, 20, 27A and 29 of NDPS Act, 1985, registered at Narcotics Control Bureau (NCB), Chandigarh.

3. The brief facts of the case are that on 26.09.2020, acting on a specific information, Ajay Kumar along with Tula Ram were apprehended at ISBT, 43 Chandigarh. 997 grams of *charas* was recovered from them. On Tula Ram's disclosure statement Deepak was nominated as accused and his house was raided and 265 grams of *charas* was recovered from his house.

4. Learned counsel for the petitioner submits that it is a case of false implication, the alleged recovery is of non-commercial quantity. He further submits that two co-accused Ajay Kumar and Deepak were granted

regular bail by this Court.

5. Learned counsel for Union of India filed reply and custody certificate through electronic media, same are taken on record. She contends that recovery from petitioner and Deepak's house together should be taken into account. She further submits that petitioner is involved in one more FIR.

6. As per custody certificate, the petitioner's custody period is one year and twenty two days, investigation is complete, challan stands presented, the recovery from the conscious possession of the petitioner is on non-commercial quantity. The contention of the respondent-UOI that the recovery made from the Deepak should also be added and then considered is a debatable issue. It would not be appropriate for this Court to comment further at this stage. Suffice to say that from conscious possession of the petitioner non commercial quantity was recovered. Petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

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

(AVNEESH JHINGAN)
JUDGE

27th October, 2021

Parveen Sharma

Whether reasoned/speaking

Yes

Whether reportable

Yes