

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.40292 of 2020 (O&M)
Date of Decision.10.02.2021
(Heard through VC)

Gopi ...Petitioner

Vs

State of Punjab ...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.112 dated 10.03.2009 under Section 22, 25 & 29 of the NDPS Act, 1985 registered at Police Station Sadar, Amritsar.

Counsel for the petitioner *inter alia* would contend that the petitioner has been nominated as an accused on account of recovery of 290 gms of smack, which is marginally higher than what would constitute a non-commercial quantity. It is further contended that while he was in custody, he has been implicated in another FIR for possession of 1 gm of heroin and a mobile, however, he has been enlarged on bail under the said FIR. It is also contended that though charges have been framed, no prosecution witness has been examined so far. The trial is likely to take some time to conclude, therefore, seeks concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the

petitioner herein has been found in possession of smack.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that alleged recovery of the contraband made from the petitioner is marginally higher than the commercial quantity and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)

JUDGE

February 10, 2021

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No