

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

108

**CRM-M-41274-2020
Date of Decision : 07.01.2021**

Bhupinder Kumar @ Bhupender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.46 dated 13.09.2020 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered in Police Station Gandhi Nagar, District Yamuna Nagar.

As per the prosecution version, on 13.09.2020 the police party headed by ASI Ram Kumar received secret information that the petitioner who runs a medical store does the work of illegally selling the drugs and the petitioner would come with huge quantity of drugs from his house in Sanjay Vihar Colony, Yamuna Nagar to Gaba Hospital and could be apprehended if barricading was done.

Information under Section 42 of the NDPS Act was given to Shamsher

Singh, Deputy S.P., Yamuna Nagar and Parveen Kumar, District Drug Controller, Yamuna Nagar and rukka (written communication) was sent to the SHO, Police Station Gandhi Nagar on the basis of which the above-said FIR was registered. The petitioner was apprehended and on search 153 strips containing 15 tablets each of Alprazolam IP 0.5 mg (total 2295 tablets) were recovered from his possession.

The petition has been opposed in terms of reply filed by way of affidavit of Ms. Surender Kaur, HPS, Deputy Superintendent of Police, Yamuna Nagar on behalf of the respondent-State in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The mandatory provisions of NDPS Act have not been complied with. No independent witness was joined by the police. The petitioner is not involved in any other case under the NDPS Act. The FSL report has not been received so far. The petitioner is in custody since 13.09.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner is accused of having kept in his possession huge quantity of the contraband. The petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that FSL report in the case has not been received so far and that the petitioner is not involved in any other case under the NDPS Act.

At this stage, learned Counsel for the petitioner has restricted his prayer made in the petition to grant of interim bail till receipt of FSL Report.

In view of the fact that the FSL report in the case has not been received so far and observations of this Court in Para No.54 of the judgment passed in *Inderjeet Singh @ Laddi and others Vs. State of Punjab : 2014(3) RCR (Criminal) 953* favouring release on interim bail till receipt of FSL report but without commenting on merits of the case, I am inclined to extend the concession of interim regular bail to the petitioner till receipt of FSL report.

In view of the above, the petition is disposed of and the petitioner is ordered to be released on interim regular bail till receipt of FSL report on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

On notice of receipt of FSL report, the petitioner shall surrender and apply for regular bail before the trial Court which shall be at liberty to decide the same in accordance with law keeping in view the FSL report.

07.01.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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