

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

CRM-M-47146-2021(O&M)

Date of Decision:06.12.2021

Sudarshan Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Shekhar Verma, Advocate for the petitioner.

Mr.A.S.Sandhu, Addl.AG, Punjab

TEJINDER SINGH DHINDSA, J. (ORAL)

This is the 2nd petition preferred under Section 439 Cr.P.C. seeking regular bail pending trial to the petitioner in FIR No. 08 dated 11.01.2018, under Sections 20/21/22/61/85 of the NDPS Act, 1985, registered at Police Station Division No.2, Pathankot.

Counsel for the parties have been heard.

Case of the prosecution is that petitioner herein was driving a commercial vehicle and the same having been stopped on 11.01.2018, a search was conducted and an alleged recovery of 45 grams Charas, 50 intoxicant bottles make Rexcough, 600 intoxicant capsules make parvon spas (Tramadol Hydrochloride) and 17 strips of intoxicant tablets make Becalm 0.5 (1275 tablets) containing Alprazolam salt, was effected.

It is the contention raised by counsel that the recovery was not from the conscious possession of the petitioner. He was not even the owner

of the vehicle. Owner of the commercial vehicle happen to be Sajjan Singh and who has not even been arrayed as an accused. Non-compliance of the mandate under Section 50 of the NDPS Act is also alleged.

The trial in the present case has not made much headway. Out of 11 prosecution witnesses only 4 have been examined till date.

Petitioner has already suffered incarceration for a period in excess of three years.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Without opining on the merits of the case petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.12.2021
sunita

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No