

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1449-2022

DATE OF DECISION: MARCH 25, 2022

KULDEEP KUMAR @ KULDEEP RAM

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. VIBHA NAGAR, ADVOCATE FOR THE PETITIONER.
MR. A.S. GILL, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.109 dated 29.9.2021, under Section 21, 22 NDPS Act (Section 29 NDPS Act added later on), Police Station Sadar Banga, District SBS Nagar, who is in custody since his arrest on 29.9.2021.

As per the the allegations contained in the FIR on 29.9.2021, when ASI Surinder Singh along with the police party were present at around 5.30 PM near Majari Bus Stand, a man was seen coming on the motorcycle. On seeing the police party when he threw away his polythene bag and tried to turn around, he was apprehended by the police. On search, 10 unlabeled injections 2 ml each, 10 unlabeled injections 10 ml each and Heroin were recovered. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the recovered contraband (10 injections 2 ml. each, 10 vials of Avil injections and 10 gms. of Heroin) would fall within the ambit of non-commercial quantity defined

under the NDPS Act and as the investigation of the case is complete, further custody of the petitioner may not be necessary. She prays for bail.

On the other hand, learned State counsel assisted by ASI Gurmej Singh has opposed the aforesaid prayer and has produced the custody certificate of the petitioner dated 24.3.2022, by way of affidavit of Hemant Sharma, Additional Superintendent, Central Jail, Kapurthala, to show that the petitioner is an accused in case FIR No.163 dated 27.6.2021, under Section 21/61/85 NDPS Act, Police Station City Nawanshahar, but in the said case, he is on bail.

At this stage, learned counsel for the petitioner states that the petitioner has already been acquitted in the abovesaid case and no other case is pending against him.

Considering the above background, the custody of the petitioner, and the fact that the recovered contraband falls under the ambit of non-commercial quantity, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 25, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No