

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

**CRM-M-2358-2021 (O&M)**

**Date of decision: 17.08.2022**

Vinod Singh @ Vinay

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. A.S. Gill, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks regular bail in case FIR No.198 dated 26.06.2020, registered at Police Station Phillaur, District Jalandhar (Rural), under Section 22 NDPS Act, 1985.

Custody certificate dated 16.08.2022 issued by Additional Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel, in the Court is taken on record..

As per the prosecution version, the petitioner alongwith co-accused, Parveen Kumar, was arrested and allegedly 85 injections of Avil 10 ML and 85 injections of Buprenorphine 2 ML were recovered from the polythene envelopes thrown by them.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that no recovery has been

effected from the petitioner; that even if, the alleged recovery effected from the petitioner, is taken to be the correct, then too the case of the petitioner is covered under Rule 66 of the NDPS Act, 1985; that the petitioner has no link with the alleged car; that the petitioner has been in custody since 26.06.2020 and that out of 15 prosecution witnesses, only 05 witnesses have been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case of similar nature.

On this premise, learned counsel for the petitioner prays for the grant of bail to the petitioner. In support of his contentions, he relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', on 01.08.2022, and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', on 04.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery effected from the petitioner and co-accused, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

After investigation, the charges have been framed. Out of 15 prosecution witnesses, 10 witnesses are yet to be examined and there being no likelihood of completion of trial in the near future. The petitioner has been in custody since 26.06.2020. There is no other case registered or pending against

the petitioner, at least of a similar nature. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)  
JUDGE

17.08.2022  
Mangal Singh

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |