

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

(Sr. No. 229)

CRM-M No. 3565 of 2022

Date of decision : 03.03.2022

Shadab

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Yoginder Nagpal, Advocate for the petitioner.

Mr. Sumit Jain, Addl. P.P., UT, Chandigarh.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.216 dated 21.11.2021 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the Act) at Police Station East Sector 26, Chandigarh.

The petitioner is being prosecuted for having been found in illegal possession of 250 grams of charas.

Learned counsel for the petitioner submits that the petitioner, who is 21 year old boy, has been falsely implicated in this case; the petitioner has no other criminal case pending against him; he is in custody since 23.11.2021; investigation in the case is complete; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the petitioner is of 250 grams of charas which is well below the prescribed “commercial quantity” under the NDPS Act and that

the petitioner's trial which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 250 grams of charas and if he is released on bail he is likely to commit other offences.

The petitioner who is 21 year old boy has already been in custody since 23.11.2021; he is not involved in any other criminal case; investigation in the matter is complete and therefore he is not in a position to influence the investigation; the alleged recovery from the petitioner is of 250 grams of charas which is below the prescribed "commercial quantity" under the NDPS Act and that petitioner's trial which is yet to commence is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Chandigarh the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

03.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No