

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

205

CRM-M-4011-2020
Date of decision: 25.03.2022

RAJ KUMAR @ LADDU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Jagan Nath Bhandari, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

1. The instant petition has been filed under Section 439 Cr.P.C. for seeking concession of regular bail in case FIR No. 199 dated 02.10.2019, (Annexure P-1) under Sections 22 and 25 of NDPS Act, 1985 registered at Police Station City Jagraon, District Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that the instant case pertains to recovery of 08 boxes of Tramadol Hydrochloride 100 Mg. and Clovidol 100 SR tablets and the total quantity being 4000 intoxicating tablets. The recovery in question is stated to be a chance recovery, however, there is non-compliance of Section 50 of the NDPS Act and no independent witness has been joined. He further submits that the petitioner is in custody since

02.10.2019 and has already undergone an actual custody of more than 02 years and 05 months. He submits that there is no other case against the petitioner and points out that co-accused Happy has already been extended the concession of regular bail by this Court vide order dated 04.10.2021 passed in CRM-M-15920-2020. He contends that the case of petitioner is at par with that of co-accused Happy as such concession stands extended.

3. Ms. A.K. Khurana, DAG, Punjab fairly submits that the co-accused has already been granted concession of regular bail and that there is no other case listed against the petitioner.

4. In view of the facts noticed as above and taking into account the fact that the co-accused of the petitioner already stands enlarged on bail and that the petitioner has already undergone an actual custody of more than 02 years and 05 months and there is non-compliance of provisions contained under the NDPS Act. I am of the opinion that his further detention for an indefinite period is not call for at this stage.

5. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall

decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 25, 2022

vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*