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

CRM-M-5396-2022

Date of decision:14.02.2022

SHAMSHER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Jagdeep Singh Virk, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.71 of 07.11.2021, constitutes therein offences under Sections 21, 29, 61 and 85 of NDPS Act, and, is lodged at Police Station Talwandi Bhai, District Ferozepur.
2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail applicant is in judicial custody. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims relief, for being released from judicial custody.
3. Learned State counsel on instructions, meted to him, by ASI Balwant Singh submits before this Court, that heroin weighing 180 grams became recovered from the alleged conscious, and, exclusive possession of the accused. The weight of the above recovered contraband falls within less than commercial quantity thereof. Therefore, the rigors of Section 37 of the

NDPS Act are not applicable thereon, and, the bail applicant is entitled to his being admitted to bail.

4. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicant. The instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance.

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14.02.2022

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**(SURESHWAR THAKUR)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No