

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

(212)

CRM-M-6664-2022.
Date of Decision:-22.02.2022.

Vijay Kumar @ Vicky @ Vijay Sharma

.....Petitioner

Versus

U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Rahil Mahajan, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T.,
Chandigarh.

SANT PARKASH, J. (Oral)

Petitioner prays for grant of regular bail in FIR No.249 dated 19.12.2021 registered under Section 21 of the NDPS Act at Police Station Sector 26, Chandigarh.

As per the allegations in the FIR, 50.05 grams of heroin has been recovered from the conscious possession of the petitioner, which is marginally higher than the prescribed limit of small quantity and the same falls under the category of non-commercial quantity.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. He further submits that the alleged recovery effected from the petitioner falls under the category of non-commercial quantity and the conditions laid down under Section 37 of the NPDS Act are not applicable in the present case. It has further been submitted that the petitioner has no criminal antecedents and he has never

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been declared proclaimed offender in any of the criminal case.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and submits that the present application for grant of regular bail to the petitioner be dismissed, though he does not dispute that the recovery effected from the petitioner is a non-commercial quantity and there is no other case against the petitioner.

I have heard the learned counsel for the parties and perused the case file.

The recovery effected from the petitioner is 50.05 gms heroin, which falls under non-commercial category. The petitioner is in custody since 19.12.2021. Further, charges have been framed and the petitioner is not required for further investigation. Hence, no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition is allowed.

**(SANT PARKASH)
JUDGE**

February 22, 2022.

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No