

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

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CRM-M-11560-2021

Date of decision : 06.01.2022.

Kamalpreet Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anil Kumar Garg, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.98 dated 04.11.2020 under Section 22 of the NDPS Act and Sections 379-B, 341, 323, 34 IPC, registered at Police Station City Kurali, District SAS Nagar.

Learned counsel for the petitioner contends that it is alleged that intoxicant powder containing Diphenoxylate Hydrochloride with a total weight of 55 grams was allegedly recovered from the pocket of the petitioner. He, however, contends that there is non-compliance of Section 50 of the NDPS Act inasmuch no offer for search before a Gazetted officer or a Magistrate was made to the petitioner. The petitioner is 26 year of age and is in custody for over one year and two months. The petitioner is not involved in any other case under the NDPS Act.

Learned State counsel, upon instructions from ASI Bhagwant Singh, states that although challan has been filed but no prosecution witness has been examined so far. He also contends that fifteen mobile phones

were recovered from the scooter on which the petitioner and co-accused were travelling and recovery of 60 gram intoxicant powder containing Diphenoxylate Hydrochloride was also effected from co-accused.

Heard.

In view of the above especially when the petitioner is 26 year of age, he is in custody for over one year and two months, he is not involved in any other case under the NDPS Act, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 06, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No