

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

DECIDED ON: 20th May, 2022

(1) CRM-M-2069 of 2022 (O&M)

Manpreet Singh @ Monu

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-12158 of 2022 (O&M)

Maghar Khan

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. A.S. Brar, Advocate and
Mr. J.S. Brar, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

CRM-18841 of 2022 in CRM-M-2069 of 2022
CRM-18001 of 2022 in CRM-M-12158 of 2022

These two applications are for addition of offence under Section 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') in the head note as well as in the prayer clause of petition.

Notice in the applications.

Learned State counsel has no objection if the applications are allowed.

The applications are allowed as prayed for. Section 25 of the Act is ordered to be added in the head note as well as in the prayer of the petition.

Office to carry out necessary correction.

CRM-M-2069 of 2022 (O&M) and CRM-M-12158 of 2022 (O&M)-2-

Main cases

These two petitions are filed seeking regular bail in case of FIR No. 229 dated 18.11.2021, under Section 22 and 25 of the Act, registered at Police Station Baghapurana District Moga.

As per the case set up the police party on 18.11.2021 (wrongly mentioned as 18.11.2017 in the impugned order), apprehended Manpreet Singh @ Monu (petitioner), Mushtaq Khan, Maghar Khan (petitioner) while riding motor cycle bearing registration No.PB-29-Z-3463. From possession of both the petitioners, 100 tablets each of Clovedol-100 SR having Tramadol salt were recovered.

Learned counsel for the petitioners submits that recovery from the petitioners is of non-commercial quantity. They are not involved in any other case under the Act. They are in custody since 18.11.2021. Investigation is complete.

Learned State counsel opposes the prayer and submits that if the combined recovery from all the accused is taken then recovered quantity is commercial.

Without commenting upon the merits of the case, considering the quantity of contraband recovered from the conscious possession of the petitioners, petitioners have no criminal antecedents, albeit, investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioners on their furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not

CRM-M-2069 of 2022 (O&M) and CRM-M-12158 of 2022 (O&M)-3-

be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

Photocopy of this order be placed on the file of connected case.

20th May, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>