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

CRM-M-12341-2022

Date of decision: 29.03.2022

VAKEEL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.29 of 10.02.2022, registered at Police Station Kotbhai, District Sri Muktsar Sahib, offences constituted under Section 15 of NDPS Act, 1985 are embodied.

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 SI Harpreet Kaur, fairly submits before this Court, that from the purported conscious, and, exclusive possession of the accused hence recovery of poppy husk weighing 3 kilogram became effectuated. He also submits, that the afore weight of the afore seizure makes it fall within the ambit of the small 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.

However, he submits that since the accused bail applicant, is a

habitual offender, hence, the facility of regular bail, as craved for, in the instant application, be not accorded to him.

5. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (*supra*), reared by the learned State counsel.

6. 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. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall remain be *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

29.03.2022

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ITHLESH KUMAR	Whether speaking/reasoned:-	Yes/No
2022.03.30 13:56	Whether reportable:	Yes/No
I attest to the accuracy and authenticity of this order		