

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

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CRM-M-22460-2021 (O&M)

DATE OF DECISION : 24.02.2022

Mangat Rama alias Manga

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikram Preet Arora, Advocate for the petitioner.

Mr. H.S.Multani, AAG Punjab.

ALKA SARIN, J. (Oral):

Heard in virtual mode.

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.192 dated 09.08.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1982 at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner would contend that the first petition for regular bail being CRM-M-14874-2020 was dismissed as withdrawn 27.07.2020 and the second petition being CRM-M-42694-2020 was dismissed as withdrawn on 08.03.2021 with liberty to file afresh. Learned counsel would further contend that the petitioner was apprehended with 960 tablets of Lomotil which comes to 60 grams of 'diphenoxylate hydrochloride' salt which is marginally higher than the commercial quantity, and 120 tablets of Becalm which comes to 12 grams of 'alprazolam' salt

which is non-commercial in nature. Learned counsel would further contend that the petitioner has been in custody for 02 years, 06 months and 18 days and that the trial is progressing at a very slow pace.

Status report has been filed. The learned State counsel on the basis of the status report is not in a position to deny that the recovery from the petitioner is of 960 tablets of Lomotil which comes to 60 grams of 'diphenoxylate hydrochloride' salt which is marginally higher than the commercial quantity and recovery of 120 tablets of Becalm which comes to 12 grams of 'aprazolem' salt which is non-commercial in nature. As per the custody certificate, the petitioner has been in custody for a period of 02 years, 06 months and 18 days. There is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and keeping in view the period of custody as also the fact that the recovery from the petitioner is of 960 tablets of Lomotil which is marginally higher than the commercial quantity and recovery of 120 tablets of Becalm is non-commercial and also the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioners are found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

February 24, 2022
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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