

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

**CRM-M-17917-2022**

**Date of Decision: 27.7.2022**

Sukhwinder Singh @ Sukha

**....Petitioner**

**VERSUS**

State of Punjab

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. A.P.S.Rehan, Advocate  
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab..

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**KARAMJIT SINGH, J.**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.13 dated 31.1.2020 registered for the offences punishable under Sections 22 and 27 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Tanda, District Hoshiarpur.

Counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that as per allegations in the FIR, 70 grams of Alprazolam, 5 syringes, one burnt *panni* and two lighters were recovered from the possession of the petitioner who at that time, was sitting in Innova car bearing registration No.PB07-AM-4626 along with his co-accused. Counsel for the petitioner further submits that aforesaid contraband comes within non-commercial and as per custody certificate, the petitioner is in custody for the last more than 5 months and it will take time for the trial to conclude.

Present petition is opposed by the State counsel who submitted that at the time of his arrest, the petitioner was found to be in possession of 70 grams of Alprazolam powder along with certain articles. She further submits that trial in this case is yet to commence. However, State counsel has admitted the fact that the petitioner is in custody for the last more than 5 months and is not involved in any other criminal case.

I have considered the submissions made by the counsel for the parties.

As per prosecution version as recorded in the FIR, 70 grams of powder containing Alprazolam was recovered from the possession of the petitioner along with some other articles at the time of his arrest by the police but the said contraband comes under non-commercial quantity as per the provisions of NDPS Act. So, strict provisions of Section 37 (1)(b) of NDPS Act are not applicable in the case in hand.

It will take time for conclusion of trial. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**( KARAMJIT SINGH )**  
**JUDGE**

**July 27, 2022**

Paritosh Kumar

PARITOSH KUMAR  
2022.07.30 03:50  
I attest to the accuracy and  
authenticity of this order/judgment

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No