

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-20379-2022

DATE OF DECISION: 01.08.2022

MAJOR SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.91 dated 15.09.2021, under Sections 15/18/25 of the NDPS Act, registered at Police Station Malaud, District Ludhiana.

Learned counsel for the petitioner submits that it is alleged that recovery of 2kg 600 grams of opium (commercial quantity) and 7 kg poppy husk (non-commercial quantity) was allegedly effected from a truck being driven by the petitioner. He further contends that petitioner is not the owner of the truck and recovery of opium is marginally above the commercial quantity and if the weight of the bag is excluded, it is possible that recovery would fall less than the commercial quantity. He also contends that the petitioner had earlier been granted interim bail for two weeks to attend the marriage of his daughter and he had promptly surrendered in terms of the order of this Court. The petitioner is over 61 year of age and is not involved in any other case under the NDPS Act. He is in custody for over 10 months.

Learned State counsel, upon instructions from HC Amarjit Singh, submits that 01 out of 16 prosecution witnesses has been examined.

Heard.

In view of the above, especially when the petitioner is over 61 year of age, recovery is marginally above the commercial quantity, the Covid-19 pandemic and 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

01.08.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No