

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

208

CRM-M-22963-2021 (O&M)

Date of Decision: 22.04.2022

Amarbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Dhawan, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.80 dated 28.06.2019 at Police Station GRP, Jalandhar, under Section 22 of the NDPS Act, wherein it is alleged that on 28.06.2019 the petitioner was found in possession of 45 injections of Buprenorphine 2 ml each and 45 injections of Avil 10 ml each.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. Learned counsel has further submitted that the petitioner has been behind bars for a substantial period of about 2 years 9 months and since trial is proceeding at a snail's pace, he deserves the concession of bail.
3. Opposing the petition, learned State counsel has submitted that since the petitioner has been caught red-handed and the recovered contraband falls in the category of 'commercial' quantity, no case for grant of bail is made

out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years & 9 months and that he is not involved in any other case.

4. I have considered rival submissions addressed before this Court.
5. Hon'ble the Supreme Court vide order dated 07.02.2020 passed in Criminal Appeal No.245 of 2020 titled 'Chitta Biswas Alias Subhas Vs. The State of West Bengal' while dealing with a matter regarding grant of bail to an accused charged with allegations of being in possession of 'commercial' quantity of contraband, granted bail mainly on the ground that the petitioner has been in custody since 21.07.2018 and only 4 out of the cited 10 PWs had been examined.
6. In another case i.e. Criminal Appeal No.1570 of 2021 titled 'Mahmood Kurdeya Vs. Narcotics Control Bureau' pertaining to a case of recovery of 'commercial' quantity of 'Tramadol', where the accused had been in custody for about 3 years & 3 months, Hon'ble the Supreme Court vide its order dated 07.12.2021 was pleased to grant bail while making the following observations:

“.....What persuades us to pass an order in favour of the appellant is the fact that despite the rigors of Section 37 of the said Act, in the present case though charge sheet was filed on 23.09.2018 even the charges have not been framed nor trial has commenced. The manufacturer who sold the drugs to the appellant during the sunset clause himself has been granted bail.”

7. In yet another case i.e. Criminal Appeal No.668 of 2020 titled 'Amit Singh Moni Vs. State of Himachal Pradesh', Hon'ble the Supreme Court vide its order dated 12.10.2020 was pleased to grant regular bail

pertaining to a case of recovery of 'commercial' quantity of contraband on account of custody of 2 years and 7 months.

8. Bearing in mind the long custody period of the petitioner and also that the petitioner, otherwise, has a clean record and the conclusion of trial is likely to consume time, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**