

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

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CRM-M-25932-2022

Date of decision: 14.12.2022

BINTA SINGH @ BANTA SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL , J.(ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.106 dated 17.09.2021, registered at Police Station Longowal District Sangrur, under Sections 22, 29 of the NDPS Act.

Status report by way of an affidavit dated 13.12.2022 of Deputy Superintendent of Police, Sub Division Sunam, District Sunam filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioner contends the the co-accused Bhagwant Singh was driving the motorcycle and the petitioner and other co-accused Satgur Singh were stated to be the pillion riders. He submits that during the investigation, co-accused Bhagwant Singh disclosed that he had bought intoxicant tables from Mangat Raj @ Kala, who was earlier working in medical store. He further submits that recovery effected from the bag which was on the handle of the motorcycle driven by Bhagwant Singh is of expired date. He contends that the Batch No. BBT 187040 MFG manufacturing date is

January, 2019 and expiry date is December, 2020 which means that at the time of alleged recovery i.e. on 17.09.2021 the tablets were of expiry date and after expiry, the tablets are easily available with the chemist and the same were planted by the police upon the petitioner and co-accused and the petitioner is not involved in any other case at least of similar nature. He further submits that co-accused Satgur Singh has been already granted bail by this Court on 20.09.2022.

Learned State counsel, while vehemently opposing the prayer for bail, submits that recover of the tablets were effected from the handle of the motorcycle, which was being driven by co-accused Bhagwant Singh and as the recovery was effected in a public view, which means that the tablets were in the knowledge of the petitioner. However, he does not dispute the custody period of the petitioner and the facts that there is no other case against the petitioner and the recovered tablets were of expiry date. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

In the present case, alleged recovered contraband, which was found in the plastic envelope on the handle of the motorcycle driven by Bhagwant Singh was of expiry date. Even as per the status report filed by DSP dated 13.12.2022, manufacturing date of the contraband was January, 2019 and expiry date was December, 2020, which means that at the time of alleged recovery i.e. on 17.09.2021 the tablets were of expiry date, co-accused Satgur Singh has already been granted bail by this Court and there is no other case

against the petitioner. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.12.2022
P.Bhatt

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No