

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25009-2020 (O&M)
Date of Decision:-17.1.2022

Billu Ram ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.52 dated 17.5.2020 at Police Station Phool, District Bathinda under Section 22 of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, on 17.5.2020 the petitioner was nabbed by the police near minor canal within the limits of Village Phool while he was holding a white coloured transparent polythene bag. Upon inquiry, he disclosed his name as Billu Ram. It is the case of prosecution that strips of intoxicating tablets were clearly visible in the transparent carry bag held by the accused. Upon counting the same, they were found to be 105 strips of Clovidol-100 SR i.e. a total of 1050 tablets.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is highly unlikely and improbable that a person, who is to indulge in drug trafficking, would be carrying the contraband in such a manner as would expose him and which would could easily be detected as in the present case where the allegations are that the petitioner was carrying the contraband in a transparent polythene bag.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was found to be carrying a 'commercial quantity' of contraband, no case for grant of bail is made out. It has been submitted that the petitioner is a habitual offender having been earlier involved in 8 other cases and that while he stands acquitted in 2 cases, he stands convicted in another 2 and another 3 are pending and 1 stands cancelled. It has been informed that the petitioner as on date has been behind bars since the last about 1 year and 8 months and that as on date only 2 out of the cited 10 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. The fact that the petitioner is alleged to be carrying contraband in a transparent carry bag from which the strips of intoxicant tablets were clearly visible, would create some kind of doubt as regards the veracity of allegations inasmuch as it is normally not expected that a person, who is committing an offence or is carrying contraband, would carry the same in such a manner that he would be easily caught. In any case, the petitioner till date has been behind bars for a substantial period of 1 year and 8 months. Conclusion of trial is likely consume time as only 2 out of the cited 10 PWs

have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, 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.

7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

17.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No