

CRM-M-29259 of 2022

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

CRM-M-29259 of 2022
Date of Decision: 16.08.2022

Rahul Gupta

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Karnail Singh Ahhi, Advocate,
for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate filed in Court today is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.115 dated 05.04.2022 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station B-Division, Amritsar.

Brief facts of the case are that on 05.04.2022 ASI Manjinder Singh along with other police officials was on patrol duty and was going from Kahian Wala Bazar Mahna Singh Road to Darbar Sahib. In the area of Akhara Chattey Wala petitioner was seen coming from the side of street who on seeing police tried to escape and on the basis of suspicion he was apprehended and from his possession 2 kg of opium was

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recovered.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this present case. Challan has been presented in the Court on 04.06.2022. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 05.04.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that alleged recovery of 2 kg of opium from the petitioner is an intermediate quantity and he is not involved in any other case under the NDPS Act but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Rahul Gupta is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

August 16, 2022
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No