

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

243 (2 cases)

CRM-43457-2022 in/and
CRM-M-33947-2022 (O&M)
Date of Decision: 15.11.2022

Daljeet Singh

..... Petitioner

Versus

Narcotics Control Bureau

..... Respondent

2.

CRM-M-46516-2022

Rajinder Singh

..... Petitioner

Versus

Union of India Narcotic Control Bureau

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sanjiv Kumar Aggarwal, Advocate for
Mr. Ojas Bansal, Advocate
for the petitioner in CRM-M-33947-2022.

Mr.D.S.Virk, Advocate
for the petitioner in CRM-M-46516-2022.

Mr.Rajiv Sharma, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

CRM-43457-2022 in CRM-M-33947-2022

Application for placing on record the reply is allowed, subject
to just exceptions. The same is taken on record. Office to append the same
at the relevant place.

CRM stands disposed of.

Main case :

By this common order, two above-mentioned petitions are disposed of as both the petitioners are seeking same relief and their case is arising from the same FIR.

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioners are seeking bail in Crime No.27 dated 09.04.2022 registered by NCB, Chandigarh under Sections 8, 18, 29 & 60 of NDPS Act.

Learned counsel for the petitioner(s) submits that as per schedule annexed to NDPS Act, the commercial quantity of opium is 2.5 kg whereas alleged quantity recovered from petitioner(s) is 01.290 kg which is non-commercial. The small quantity prescribed is 25 gram, thus, the opium recovered from petitioner(s) falls within intermediate category.

Learned counsel for the respondent submits that the petitioners are part of interstate gang which is involved in smuggling of opium. He further submits that main accused namely Rahul is still absconding.

I have heard arguments of both sides and perused the record.

The petitioners are admittedly in custody since 09.04.2022 and opium recovered from the petitioners is 1.29 kgs whereas commercial quantity of opium prescribed under NDPS Act is 2.5 kgs. It is not a case that where quantity recovered is marginally less than commercial quantity whereas quantity recovered is almost half of the prescribed commercial quantity.

Keeping in mind the quantity recovered from the petitioners; fact that rigour of Section 37 of NDPS Act is not applicable; period

undergone and there is no possibility to conclude trial in near future, the petition is allowed and the petitioners are directed to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

The applicants shall also furnish separate bonds under Section 34 of the N.D.P.S. Act and Narcotic Drugs and Psychotropic Substances (Execution of Bond by Convicts or Addicts) Rules, 1985.

(JAGMOHAN BANSAL)
JUDGE

15.11.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>