

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

CRM-M No.34810 of 2022 (O&M)

Date of decision : 21.09.2022

Gurpreet Singh @ Gopi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Harish Sharma, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.41 dated 01.07.2022 registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Raikot, District Ludhiana.

Custody certificate dated 20.09.2022 by way of affidavit of Kanwar Surteg Singh, PPS, Deputy Superintendent of Central Jail, Ludhiana on behalf of State has been filed. The same is taken on record. As per the same the petitioner has undergone actual custody of 2 months and 20 days.

Counsel for the petitioner contends that the petitioner is in custody since 01.07.2022. He further submits that the contraband alleged to have been recovered from the petitioner is less than commercial quantity

and thus the case of the petitioner would not be hit by provisions contained in Section 37 of the NDPS Act.

Learned State counsel states that as per the custody certificate, the petitioner is facing another FIR under NDPS Act, however, in the said case he is on bail. He thus submits that the petitioner being habitual offender is not entitled for grant of regular bail.

I have heard learned counsel for the parties and have gone through the records of the case.

The contraband alleged to have been recovered from the petitioner is less than the commercial quantity. The petitioner is in custody for more than 2 months and 22 days. Challan already stands presented. No witness has been examined.

Keeping in view the incarceration suffered by the petitioner and the fact that the trial is not expected to conclude soon, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

21.09.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No