

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

211

CRM-M-35209-2022
Date of decision : 17.08.2022

Manoj Kumar

Petitioner

V/S

State of U.T.Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Ms. Rupinder K. Kanwal, Advocate
for the petitioner.

Mr. Virenjeet Singh Mahal, Addl. Public Prosecutor
for U.T. Chandigarh.

ASHOK KUMAR VERMA, J. (ORAL)

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.24 dated 28.04.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station I.T. Park, U.T. Chandigarh.

Brief facts of the case are that on 28.04.2022 the police party headed by SI Om Parkash was on patrolling duty and was going from Shastri Nagar Light Point to Railway Light Point through slip road. When they reached near the High Power Electricity Tower Pole at around 4:30 p.m., they saw the petitioner coming from the side of Railway Light Point who on seeing police tried to escape and on the basis of suspicion he was apprehended and from his possession 44 grams heroin was recovered.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the present case. The petitioner was in custody since 29.04.2022. Challan has been presented in the Court. The petitioner is not involved in any other case under the NDPS Act. 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 on the grounds that the petitioner has committed a serious offence. Custody certificate dated 16.08.2022 has been filed by learned State counsel in the Court today which is taken on record.

Keeping in view the facts and circumstances of the case, the fact that alleged recovery of 44 grams of heroin from the petitioner fall under the category of non-commercial 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 the petitioner-Manoj Kumar is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

17.08.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No