

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-35885-2022

Date of Decision: 14.12.2022

Daler Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Status report dated 12.10.2022, filed by way of affidavit of Sh. Nirmal Singh, Assistant Commissioner of Police (Central), Jalandhar, on behalf of respondent-State along with custody certificate dated 13.12.2022, are 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. 120 dated 09.05.2022 registered under Section 22 of the NDPS Act at Police Station Rama Mandi, District Police Commissionerate, Jalandhar.

Brief facts of the case are that on 09.05.2022, the police party headed by ASI Raj Kumar, intercepted a two wheeler make TVS Jupiter bearing registration No. PB-32-AA-4250, being driven by Daler Singh with Jagjit Singh @ Tona as pillion rider. From the personal search

of petitioner-Daler Singh 48 strips (480 tablets) of intoxicant tablets make Alprazolam IP 0.5 MG Alprasaee 0.5, were recovered whereas from the personal search of co-accused Jagjit Singh @ Tona, 252 strips (2520 tablets) make Alprazolam IP 0.5 MG Alprasaee 0.5, were recovered without any licence or permit. The same were taken in possession and the petitioner along with his co-accused was arrested at the spot and formal FIR was also registered.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. The quantity of recovered contraband falls within the ambit of “non-commercial quantity”. The petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 09.05.2022. 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 48 strips (480 tablets) of intoxicant tablets make Alprazolam IP 0.5 MG Alprasaee 0.5 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-Daler Singh,

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.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

December 14, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No