

213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41184-2021
Date of Decision: 10.01.2022

Manjinder Singh @ Babbu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lavanya Gupta, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI J. (ORAL)

The matter has been taken up through Video Conferencing due to Covid-19 pandemic.

The petitioner has prayed for grant of regular bail in case FIR No.20, dated 09.03.2019, under Sections 15 and 25 of NDPS Act, registered at Police Station Sudhar, District Ludhiana.

Custody certificate of the petitioner filed through e-mail on behalf of the State is taken on record.

Briefly as per the allegations of the prosecution, 80 kgs. of *poppy husk* has been recovered from possession of the petitioner.

It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of 2 years, 9 months and 26 days, only 3 out of the total 13 witnesses have been examined so far, he was involved in another case under the NDPS Act, wherein he has been acquitted and is not involved in any other case under the NDPS Act.

Learned counsel for the petitioner has sought to rely upon the

decision of Supreme Court rendered in *Criminal Appeal No.668 of 2020* titled as “*Amit Singh Moni Vs. State of Himachal Pradesh*”, wherein bail has been granted to the accused in a case pertaining to the recovery of commercial quantity, after he had completed more than 2 years and 7 months of actual custody.

Learned State counsel has resisted the application on the score that the quantity of contraband recovered in the instant case falls in the category of commercial quantity.

It is no doubt that the quantity of contraband in the instant case falls in the category of commercial quantity, but in the aforesaid decision of the Supreme Court rendered in *Amit Singh Moni's case (supra)*, bail has been granted to the accused on the ground of long incarceration and particularly when the trial was not progressing. Even in the instant case, the petitioner is in custody for a period of 2 years, 9 months and 26 days and only 3 out of the total 13 witnesses have been examined so far.

Considering the above and the fact that the trial is likely to consume some more time on account of restricted hearing due to recent resurge in covid cases, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

10.01.2022

Apurva

(VIVEK PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No