

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

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CRM-M-36156-2022
Date of decision : 08.09.2022

Kishan @ Annda

Petitioner

V/S

U.T. Chandigarh

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Arjun Dosanj, Advocate
for the petitioner.

Mr. J.S. Toor, Addl. Public Prosecutor
for the 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.32 dated 11.06.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station I.T. Park, Chandigarh.

Brief facts of the case are that on 11.06.2022 the police party headed by ASI Mohd. was on patrolling duty. At around 2:00 p.m. they reached the Kishangarh Chowk, parked the police vehicle there and started walking towards the Manimajra Road. While going towards the Manimajra Road Railway Rail Gate, they saw the accused (petitioner) walking towards the Kishangarh Chowk from the Kishangarh Rail Gate. After seeing the police party the accused tried to fled from the spot. The police apprehended the accused and on search 6.32 grams of heroin was recovered from his possession.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner has no concern with the alleged recovery. No independent witness was joined at the time of alleged recovery. Even otherwise the alleged recovery effected from the petitioner falls under the category of non-

commercial quantity. The mandatory provisions of the NDPS act were not complied in the present case. The petitioner was in custody since 11.06.2022. 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.

Learned Additional Public Prosecutor has submitted that the challan has been presented in the trial Court and charges are framed. Custody certificate dated 05.09.2022 has been filed by learned Additional Public Prosecutor in the Court today which is taken on record. As per the custody certificate the petitioner is in judicial custody from the last more than 02 months. He is involved in so many other cases however, in most of them he is acquitted or in bail.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that the contraband recovered is fall under the category of non-commercial quantity and and also the fact that that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Kishan @ Annda is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.09.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

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