

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36960-2022

Date of Decision: 28.9.2022

Bablu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.79 dated 12.6.2022 registered for the offences punishable under Sections 21(b) of NDPS Act at Police Station Sadar Malout, District Sri Muktsar Sahib.

Reply filed on behalf of the State by way of affidavit of Balkar Singh, DSP, Sub Division Malout, District Sri Muktsar Sahib is ordered to be taken on record.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and even if the allegations recorded in the FIR are taken on their face value, only 100 grams of Heroin along with Rs.31,700/- were stated to be recovered from the polythene bag which was lying near the petitioner and co-accused Ranjeet Singh. He further submits that the aforesaid quantity of contraband comes under non-commercial

quantity and thus, is not covered under embargo provided in Section 37(1) (b) of NDPS Act. He further submits that after completion of investigation, police has presented the challan but it will take time for trial to conclude even after its commencement. He further submits that the petitioner is having no criminal history and as such, prayer is made for grant of regular bail to the petitioner.

Present petition has been opposed by the State counsel who on instructions from ASI Balwinder Singh has not disputed the fact that the present case is relating to recovery of 100 grams of Heroin and amount of Rs.31,700/- stated to be drug money from the possession of the petitioner and non-applicant and co-accused Ranjeet Singh. Even the fact that the police has presented the challan after completion of investigation has not been disputed by the State counsel.

I have considered the submissions made by the counsel for the parties.

Present case being relating to recovery of 100 grams of Heroin comes under non-commercial quantity of contraband and as such, provisions of Section 37(1)(b) of NDPS Act are not attracted to the case of the petitioner. As per custody certificate, the petitioner is in custody for the last 3 months and 15 days and is having no criminal antecedents. Admittedly, after completion of investigation, challan has been presented but trial is yet to commence and it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 28, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No