

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

205

CRM-M-36844-2022

Date of Decision: 15.11.2022

Amanjot Singh @ Aman

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Fariad S.Virk, Advocate
for the petitioner.

Mr.J.P.Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.231 dated 10.11.2021 registered at Police Station Sahnewal, District Ludhiana, under Sections 15-C & 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner would submit that as per Schedule annexed to NDPS Act, the commercial quantity for poppy husk is 50 kgs and quantity recovered from the petitioner is 60 kgs. He further submits that petitioner is in custody since 10.11.2021 and he is not involved in any other case.

Learned State counsel filed custody certificate dated 14.11.2022, which is taken on record. He on instructions from ASI Karnail Singh submits that there are 15 prosecution witnesses and till date, only one has been examined.

As per custody certificate, the petitioner has already suffered incarceration of 01 year and 02 days and he is not involved in any other case.

I have heard the arguments of both sides and perused the record.

Admittedly quantity recovered from the petitioner is marginally higher than prescribed as to be commercial; the petitioner is not involved in any other case; he has already suffered incarceration of 367 days; till date, out of 15 prosecution witnesses, only one has been examined and there is no possibility to conclude trial in near future, the petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

The applicant shall also furnish separate bonds under Section 34 of the N.D.P.S. Act and Narcotic Drugs and Psychotropic Substances (Execution of Bond by Convicts or Addicts) Rules, 1985.

(JAGMOHAN BANSAL)
JUDGE

15.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>