

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

CRM-M-36107-2020 (O&M)

Date of decision: 18.04.2022

Mandeep Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parveen Sharma, Advocate as Legal Aid Counsel
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 156 dated 23.07.2020, registered under Section 22 of the NDPS Act, 1985 at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Labh Singh, it is stated that while on patrol duty, one motorcycle bearing registration number PB-62-B-1917 was stopped, on which two persons were riding. After stopping the motorcycle, both of them tried to turn back the vehicle, however, the motorcycle slipped and fell down. On this, a white color polythene bag, which was placed between both the persons, fell down in which intoxicant tablets were visible. Thereafter, an information was sent to the police station for registration of the FIR.

Learned counsel further submits that it will be a matter of trial whether the provisions of Section 50 of the NDPS Act were properly

complied with or not.

Learned counsel further submits that the petitioner is a first offender; he is in judicial custody for the last about 01 year and 08 months and out of total 16 prosecution witnesses, only 02 witnesses have been examined so far.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position, however, it is submitted that the recovery is of 5500 tablets of Tramadol, which falls under the commercial quantity.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; he is in judicial custody for the last more than 01 year and 08 months; out of total 16 prosecution witnesses, only 02 witnesses have been examined so far and also in view of the fact that it will be a matter of trial whether the provisions of Section 50 of the NDPS Act were properly complied with or not, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

18.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No