

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-42485-2021

DATE OF DECISION: 17.08.2022

MAN SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.39 dated 12.02.2021, under Sections 8, 21 C, 22 C of the NDPS Act, 1985, registered at Police Station Asaudha, District Jhajjar.

Learned counsel for the petitioner it is alleged that recovery of 168 bottles of cough syrup Wincirex was effected from a bag which the petitioner was carrying while pillion riding the motorcycle. He further contends that the other recovery has been effected from the co-accused Rashpal Singh. The petitioner is in custody for over 1 year and 6 months and is not involved in any other case under the NDPS Act.

Learned counsel has relied upon the judgments of the Coordinate Benches of this Court in the case of **Kashmir Singh vs. State of Punjab, in CRM-M-7437 of 2019, decided on 21.02.2019**, the petitioner therein had been granted regular bail as he was in custody for over seven months and the judgment in the case of **Karaj Singh versus State of Punjab, in CRM-M-**

23811 of 2018, decided on 09.07.2018, the petitioner therein had been granted regular bail after custody of six months. The Supreme Court in the case of **‘Chitta Biswas Alias Subhas versus The State of West Bengal’** bearing Criminal Appeal No.245 of 2020 decided on 7.2.2020 had granted bail to an accused who was allegedly in possession of contraband of commercial quantity on the ground that he had been in custody for one year and six months and only 4 out of the cited 10 prosecution witnesses had been examined. In another case i.e. **Criminal Appeal No.668 of 2020 titled ‘Amit Singh Moni Vs. State of Himachal Pradesh’**, the Supreme Court vide its order dated 12.10.2020, had granted regular bail on account of custody of 2 years and 7 months.

Learned State counsel, upon instructions from ASI Raj Kumar, states that 4 out of 18 prosecution witnesses have been examined. He further submits that recovery of 1700 tablets of Alprazolam and 900 Tramadol was also effected from the petitioner and the co-accused while they were travelling on the motorcycle. He also submits that in view of the heavy recovery, the petitioner is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 1 year and 6 months, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on

regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

17.08.2022
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No