

CRM-M-43084-2021

Date of Decision: 07.02.2022

Gagandeep Singh alias Gagga

.....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Zubin Chhura, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.104, dated 18.08.2021, having been registered at Police Station Fattudhinga, District Kapurthala, alleging therein the commission of offences punishable under the provisions of Sections 21(a)/22/29 of the NDPS Act 1985.

Learned counsel for the petitioner submits that even the story set up in the FIR is not believable, in as much as allegedly upon a police post/*naka* having been set up, the petitioner is stated to have stopped the vehicle in which he was travelling (owned by his co-accused) and with the petitioner and his co-accused both having alighted therefrom and having thrown away polythene packets as they were carrying in hands, with the co-accused, i.e. Dalbir Singh, apprehended at the spot and with 5 grams of heroin alleged to have been

recovered, as per the investigating agency.

He is alleged to have disclosed the name of the petitioner upon his apprehension, with the allegation being that in the other envelope that was thrown away by the petitioner, there were 300 tablets which were eventually found to be containing 42 grams of Alprazolam.

Learned State counsel however submits that there being two other criminal cases of like nature registered against the petitioner and with drug money of Rs.75,000/- having been recovered from the car, the petitioner does not deserve to be admitted to bail.

Having considered the matter, the petitioner admittedly not having been caught at the spot, even in the aforesaid circumstances and the quantity of contraband stated to have been recovered from the polythene bag as are alleged to have been thrown away by the petitioner and his co-accused upon alighting from the car being less than commercial quantity, and his name allegedly disclosed upon apprehension of his co-accused by the police, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds, to the satisfaction of the trial court/CJM/Duty Magistrate, even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985.

February 07, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable: No