

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

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CRM-M-40350-2022
Date of decision : 17.10.2022

Vishal Kumar @ Chirhi

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sanjeev Kumar Devgan, Advocate for
Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.174 dated 10.07.2022 registered under Sections 18 and 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Malout, District Sri Muktsar Sahib.

Brief facts of the case are that on 10.07.2022 the police party headed by ASI Baljinder Singh was on patrolling duty. When they reached at Shekhu Road, Near Alfa Colony, Malout, they saw a boy (the petitioner) coming from the opposite side. On seeing the police party, he throw the polythene bag held in his hand and tried to run away from the spot. The police apprehended him and on search of the bag 200 grams of opium and Rs.2,05,000/- was recovered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The police

has planted the alleged recovery of 200 grams of opium upon the petitioner and also shown the personal funds of the petitioner as drug money. Even otherwise, the alleged recovery of contraband falls in the category of non-commercial quantity. The petitioner was in custody since 10.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Learned State counsel has opposes the present petition on the ground that the petitioner was arrested for having kept in his possession 200 grams of opium without any licence or permit. The petitioner is also involved in 02 more cases under the NDPS Act.

Custody certificate dated 15.10.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is in custody for more than 03 months and he is also on bail in other 02 cases.

I have heard learned counsel for the petitioner and learned State counsel and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the fact that the alleged recovery of contraband falls in the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Vishal Kumar @ Chirhi is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

17.10.2022

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No