

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41282-2020 (O&M)

Date of Decision:- 8.3.2022

Ranjha

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish P. Kaushal, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 144, dated 14.8.2016, Police Station Daba, District Ludhiana, under Section 22 of NDPS Act.
2. The allegations, in nutshell, are that on 14.8.2016, the petitioner was found in possession of 100 grams of 'Diphenoxylate'.
3. Learned counsel for the petitioner submits that although the case is based on secret information, but no intimation was ever sent to the superior officer and which would constitute violation of Section 42 of NDPS Act.

4. On the other hand learned State counsel has submitted that having regard to the fact that it is a case of recovery of 'commercial quantity' of contraband, the fetters imposed by Section 37 of the Act in the matter of grant of bail would come into play and as such the petitioner is not entitled to be released on regular bail. The learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 years and 9 months and as on date only 2 out of the cited 14 PWs have been examined. It has also been informed that the petitioner was involved in one more case registered under Section 379 IPC, but he has been acquitted in the said case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while bearing in mind the fact that the petitioner has been behind bars for a long period of more than 3 ½ years and conclusion of trial is likely to consume time inasmuch as only 2 out of the 14 PWs have been examined and while also noticing that the petitioner is not involved in any other case under NDPS Act, the petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No