

CRM-M-42367 of 2022

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

CRM-M-42367 of 2022
Date of Decision: 28.09.2022

Dinesh Kumar Yadav

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.B.S. Mann, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate filed in Court today is taken on record.

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.142 dated 25.07.2022 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kotbhai, District Sri Muktsar Sahib.

Brief facts of the case are that on 25.07.2022 in the area of PS Kotbhai, petitioner along with other co-accused was found in conscious possession of 01 kilgram 750 grams of opium, which they were carrying without any permit or license and apart from that, drug money of ₹1,77,400/- has also been recovered from the accused persons.

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

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recovery was made from the co-accused and nothing was recovered from the conscious possession of the petitioner. Even otherwise the alleged recovery of 750 grams of opium effected from the petitioner falls under the category of non-commercial quantity. The mandatory provisions of the NDPS act were not complied in the present case. The petitioner has been in custody since 25.07.2022. Co-accused of the petitioner, namely, Veerpal Kaur has been granted regular bail by this Court vide order dated 13.09.2022 passed in CRM-M-40975 of 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 and his co-accused was arrested for having kept in their possession 01 kg. 750 grams of opium without any licence or permit and drug money of ₹1,77,400/-.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the custody period of the petitioner, the contraband recovered falls under the category of non-commercial quantity and and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Dinesh Kumar Yadav is ordered to be released on regular bail on his furnishing bail bond with one surety of heavy amount to the satisfaction of the trial

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Court/Chief Judicial Magistrate concerned.

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.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No