

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

220

**CRM-M-42412-2022
Decided on : 20.09.2022**

Anwar @ Ganni

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Anwar @ Ganni, who has been booked for having committed the offence punishable under Sections 20, 21, 22, 27-B of the NDPS Act, 1985, in FIR No. 150, dated 28.06.2022, registered at Police Station City Sri Muktsar Sahib, Distt. Sri Muktsar Sahib, during the pendency of trial.

At the outset, learned State counsel has filed the custody certificate dated 19.09.2022 in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned counsel for the petitioner submits that it is a case where recovery of 200 tablets of Cypremal-100 SR have been effected from the petitioner. As per submissions of learned counsel for the petitioner, recovery of the said contraband is non-commercial and as per the custody certificate filed by the learned State counsel in Court today, no other case is registered

against the petitioner under the NDPS Act.

He further submits that learned Court below has failed in considering the totality of circumstances and no weightage has been given to the fact that petitioner is not involved in any other case including under the NDPS Act. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel has vehemently opposed the bail application of the petitioner by submitting that that offence under the NDPS Act, is serious offence, and to control this dangerous trend, petitioner should not be granted the concession of bail.

After considering the submissions of both the sides, and the totality of circumstances, and perusing the record with their able assistance, I find that there is some substance in the contentions raised by the counsel for the petitioner. Petitioner, who is aged around 25 years, and no other case has ever been registered against him except the present one under the NDPS Act. Quantity recovered from her possession, is non-commercial quantity and she is already inside jail since 30.06.2022.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 20, 2022
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*