

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

211

CRM-M-47794-2021

Date of decision: 26.05.2022

Gurmit Singh @ Meet

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the fourth petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.303 dated 07.09.2020 lodged under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 07.09.2021, FSL report has been received qua the contraband allegedly recovered from the petitioner. He submits that as per the report received, the contraband i.e. 1000 tablets of Clovidol, allegedly recovered was just totalling 100 grams which was much less than 250 grams (commercial quantity). He submits that since the recovered contraband fell under 'intermediatery quantity' and the petitioner was not even involved in any other criminal case much less a case under the NDPS Act, he be extended the concession of bail as he had been in custody since 08.09.2020.

Per contra, learned State counsel while opposing the prayer

of the counsel opposite has conceded that the recovered contraband weighed 100 grams which did not fall under the 'commercial quantity'. Learned State counsel has not been able to dispute that the petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody for more than 1 year and 8 months and prosecution evidence has not yet commenced. Concededly the petitioner is not involved in any other criminal case and the recovery of contraband allegedly effected from him is less than the minimum prescribed under the 'commercial quantity'. The trial will take considerable time to conclude.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No