

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

226

CRM-M-44106-2022

Date of Decision: 28.09.2022

Dinesh Kumar Dangi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Rajinder Singh.

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.34 dated 05.03.2022 at Police Station Kurali, District SAS Nagar (Mohali), under Section 18 of the NDPS Act, wherein the allegations are broadly to the effect that the petitioner was found in possession of 2 Kgs. of 'opium'.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case the recovered contraband would fall within the category of 'non commercial quantity' and since the petitioner has a clean record, he deserves the concession of regular bail.
3. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed alongwith contraband,

no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months & 23 days and otherwise has a clean record. It has also been informed that although charges have been framed, but none out of the cited 10 PWs has been examined till date.

4. This Court has considered rival submissions.
5. It is not in dispute that the contraband allegedly recovered would fall within the category of 'non commercial quantity'. Conclusion of trial is likely to consume time inasmuch as none out of cited 10 PWs has been examined till date. The petitioner otherwise has a clean record and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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