

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

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CRM-M-46556-2022
Date of decision : 17.10.2022

Rajesh Kumar Yadav

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

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 Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Kotbhai, District Sri Muktsar Sahib.

Brief facts of the case are that on 25.07.2022 the police party headed by ASI Harjit Singh was on patrolling duty. When the police party reached near village Bhullar, they saw a Toyota Corolla car bearing registration No.DL-04CNE-4181 standing in a vacant land. The petitioner along with co-accused was standing near the vehicle. On seeing the police party, they tried to run away. The police apprehended them and on search 01 kg. 750 grams of opium and drug money of Rs.1,77,400/- were recovered from their possession.

Learned counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the present case. The alleged recovery was made from the co-accused and nothing was recovered from the conscious possession of the petitioner. Even otherwise the alleged recovery 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 was in custody since 25.07.2022. Co-accused Veerpal Kaur and Dinesh Kumar Yadav have already been granted concession of regular bail by this Court vide orders dated 13.09.2022 and 28.09.2022 respectively. 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 opposes the present petition on the ground that the petitioner and his co-accused were arrested for having kept in their possession 01 kg. 750 grams of opium without any licence or permit and drug money of Rs.1,77,400/-. The petitioner is also involved in 02 other cases under the NDPS Act.

Custody certificate dated 15.10.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is in custody for more than 02 months and he is also on bail in other 02 cases pending against him.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the contraband recovered falls under the category of non-commercial quantity and co-accused Veerpal Kaur and Dinesh Kumar Yadav have already been granted concession of regular bail by this

Court and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Rajesh Kumar Yadav is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the 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.

17.10.2022

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(ASHOK KUMAR VERMA)
JUDGE

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