

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

CRM-M-51249-2021 (O&M)

Date of decision: 12.05.2022

Nirmal Singh @ Nimma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 155 dated 14.07.2021, registered under Section 22 of the NDPS Act and Sections 379, 411 of the IPC (*added later on*) at Police Station City South, District Moga.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by a local rank ASI Ashok Kumar, it is stated that he was on patrol duty and saw a black color motorcycle without number plate coming towards them. When the police signalled to stop the said motorcycle, the rider took out a black color polythene from the right pocket of his lower and threw the same on earth and tablets scattered. On inquiry, the rider disclosed his name as 'Nirmal Singh @ Nimma' i.e. the present petitioner. Thereafter, ASI being local rank official asked the SHO to send a regular police official, on which, SI Balbir Singh was deputed and recovery of 185 Etizolam tablets was effected.

Learned counsel further submits that it will be a matter of trial whether the recovery effected from the ground was in conscious possession of the petitioner or not.

Learned counsel further submits that the petitioner was granted the concession of interim bail awaiting the FSL report and he has not misused the same as he surrendered back immediately after the receipt of the FSL report.

It is further submitted that the petitioner is the first offender and he is not involved in any other case under the NDPS Act; he is in judicial custody for the last more than 08 months and conclusion of trial is likely to take a long time as out of 40 prosecution witnesses, only one witness has been examined so far.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 08 months and 06 days and he is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 08 months; he is not involved in any other case under the NDPS Act and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

12.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*