

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

**CRM-M-50898-2022
DECIDED ON: 09.11.2022**

TARSEM KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition filed by the petitioner seeking regular bail in FIR No.0162, dated 05.07.2022, under Sections 22(b) of the NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the alleged recovery attributed to the petitioner is non-commercial in nature, which pertains to 100 intoxicating tablets of Clovedol-100 SR. The large chunk of recovery has been made not from the petitioner but from the brother of the petitioner i.e. 17000 intoxicating tablets of same nature. He further contends that the search of the petitioner was not conducted by the authorized person as per the provisions of Sections 42/50 of the NDPS Act.

On the other hand, learned State counsel has filed custody certificate of the petitioner today in the Court and the same is taken on

record. According to the custody certificate, the petitioner is already behind bars for the last 4 months and 4 days and there is one more case pending against the petitioner, wherein he is on bail. He further submits that the challan has been filed in the present case on 21.08.2022 and now the case is fixed before the trial Court for 22.11.2022.

Looking at the totality of facts and circumstances and in view of the fact that the conclusion of the trial is likely to take long time and the recovery is of non-commercial quantity, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petition is, therefore, allowed.

09.11.2022

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>