

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

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CRM-M-46343-2019

Date of Decision: 10.11.2022

Rahul Kumar @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Kashmir 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.133 dated 21.09.2019 at Police Station Sadar Jalandhar, District Jalandhar Commissionerate, under Section 22 of the NDPS Act.
2. As per the case of the prosecution, during the course of patrolling on 21.09.2019, the police party apprehended the petitioner on the basis of suspicion and the search of the petitioner led to recovery of 12 strips of intoxicant tablets of 'Alprazolam' (total 120 tablets).
3. When the matter was listed before this Court on 18.11.2019, a plea was raised on behalf of the petitioner that he has been falsely implicated. This Court had directed the Director Bureau of Investigation, Punjab, Chandigarh to examine the police file alongwith CCTV recording and to

submit its report on the next date of hearing i.e. 04.12.2019. On the said date, this Court ordered for release of the petitioner on interim bail, as the requisite report had not been submitted by the Director Bureau of Investigation, Punjab, Chandigarh.

4. Today, the State has filed its reply, wherein the allegations as leveled in the FIR have been reiterated and a stand has been taken that none of the police official is seen in the CCTV footage produced by the petitioner. Learned State counsel has otherwise informed that pursuant to investigation, the challan is ready and is likely to be presented shortly. It has also been informed that the petitioner otherwise has been behind bars since the last about 2 months and is not involved in any other case.
5. This Court has considered rival submissions.
6. Having regard to the facts and circumstances of the case, particularly the fact that recovered contraband falls within the category of 'non commercial' quantity and the petitioner is stated to have a clean record and that challan is ready and is likely to be presented shortly, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

10.11.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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