

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

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**CRM-M-54510-2022**

**Date of Decision: 08.12.2022**

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DEEPAK KUMAR YADAV

... Petitioner

VS.

STATE OF U.T., CHANDIGARH

... Respondent

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**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**

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Present: Mr. Mohit Vashishat, Advocate for the petitioner

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**Sandeep Moudgil, J. (Oral)**

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.0159 dated 07.10.2022 under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Central Sector 17, Chandigarh (Section 29 of NDPS Act added later on).

(2) Counsel for the petitioner has contended that the recovery effected from the possession of the petitioner is merely 1 kg, 400 gms of poppy husk whereas 51 kgs of poppy husk was recovered from the co-accused Manoj Mishra, which is slightly higher than the commercial quantity. The challan in this case is yet to be filed.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Sumit Jain, Addl. PP UT Chandigarh accepts notice on behalf of the respondent.

(5) On the other hand, learned Addl. PP UT, Chandigarh has filed custody certificate dated 08.12.2022 which taken on record. The same reflects that the petitioner is behind the bars for the last 1 month and 29 days.

(6) Looking into the facts and circumstances of the case, apart from the fact that recovery from the petitioner stands already effected and since the conclusion of the trial is likely to take time, no fruitful purpose would be served by keeping the petitioner behind the bars, as no custodial interrogation of the petitioner is required, at this stage, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

(7) Ordered accordingly.

08.12.2022  
V.Vishal

(Sandeep Moudgil)  
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No  
Yes/No