

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

210

CRM-M-3411-2023 (O&M)
Date of decision : 10.02.2023

Shivam Randhawa @ Shivi

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, 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.219 dated 27.11.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Division No.2, Ludhiana.

Brief facts of the case are that on 27.11.2022 in the area of Labour Colony, Ludhiana, the police party headed by ASI Balaur Singh, on suspicion, apprehended the petitioner and on search 10 grams of heroin was recovered from him.

Learned Counsel for the petitioner has argued that the petitioner was picked up from his house by the police and falsely implicated in the present case on the basis of concocted story. No independent witnesses was joined by the police in the present case. Mandatory provisions of NDPS Act were not complied with during the search of the petitioner. Even otherwise the contraband recovered from the petitioner falls under the category of non-commercial quantity. The petitioner is in custody since 27.11.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition on the ground that the petitioner was apprehended by the police for having kept in his conscious possession 10 grams of heroin without any licence or permit. The petitioner is also involved in 01 another case under the NDPS Act, however, he is on bail in the said case.

Custody certificate dated 09.02.2023 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate, the petitioner is in custody for last more than 02 months.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and the fact that the contraband recovered from the petitioner falls under the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Shivam Randhawa @ Shivi 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, State will be at liberty to file an application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act during the period of bail.

10.02.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No