

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-4159-2023
Date of Decision.:12.04.2023

Kuldeep Singh @ Soni
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.62 dated 25.05.2022 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Badhni Kalan, District Moga.

Status report by way of affidavit of Shri Manjit Singh, PPS, Deputy Superintendent of Police, Subdivision, Nihal Singh Wala, District Moga, has been filed on behalf of respondent-State. Custody certificate has been placed on record by learned State counsel.

As per allegations of the prosecution, 100 intoxicating tablets each were recovered from the petitioner and co-accused Shamsher Singh @ Husna. It was found that total quantity of *Etizolam* contained in the tablets were 7.714 and 7.756 grams, falling within the ambit of commercial quantity.

It is contended by learned counsel for the petitioner that petitioner has been falsely implicated as no insane person would keep the

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intoxicating tablets in transparent ploythene.

Learned counsel for the petitioner has referred to *Munish Kumar Versus State of Punjab, (Punjab and Haryana) : Law Finder Doc Id # 1963025 and Kulwinder Kaur Versus State of Punjab, (Punjab and Haryana) : Law Finder Doc Id # 2004195.*

In both the above cases, though the recovery of commercial quantity was effected but recovery was allegedly effected from transparent ploythene bag. It was observed by Co-ordinate Bench of this High Court that this made the case of the prosecution doubtful and the bail was allowed.

As per the custody certificate, petitioner is in custody for the last 8 months and 8 days, with no criminal antecedents.

Having regard to the aforesaid facts and circumstances but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

April 12, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No