

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-5063-2023 (O & M)****Date of decision: 16.03.2023**

Baldev Singh

.... Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Ms. Satwant Mehta, Advocate,  
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0113 dated 13.10.2022 under Sections 22/29 of the NDPS Act, 1985 registered at Police Station Bhikhiwind, District Tarn Taran.

2. The brief facts of the case are that while the police party was on patrolling duty they saw one clean shaven person coming from link road Vada Bhikhiwind side who on seeing the police party got frightened and all of a sudden threw a heavy plastic envelope that he was carrying in his hands in the grass and sat on the ground on the pretext of urinating. On being apprehended he disclosed his name as Baldev Singh (petitioner). On search of the polythene pouch, recovery of 660 tablets of Tramadol Hydrochloride was effected leading to the registration of the present FIR.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No recovery has

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prosecution case is taken to be true, the recovery of 660 tablets of Tramadol Hydrochloride would amount to 259 grams and since the commercial quantity was 250 grams, the recovery from the petitioner was only marginally above the commercial quantity. Therefore, he was entitled to the grant of bail in view of the orders passed by this Court in CRM-M-34803-2021 titled as 'Gursewak Singh @ Sebi versus State of Punjab decided on 21.04.2022', CRM-M-50642-2021 titled as 'Hardesh Rani @ Motto versus State of Punjab decided on 07.01.2022' and CRM-M-3055-2021 titled as 'Gagandeep versus State of Punjab decided on 27.01.2021'. Even otherwise, the petitioner was in custody since 13.10.2022 and none of 12 prosecution witnesses had been examined till date. Therefore, the petitioner was entitled to the grant of concession of bail.

4. The learned counsel for the State, on the other hand, while referring to the reply dated 09.03.2023 contends that the recovery from the petitioner is of commercial quantity of contraband, and therefore, he was not entitled to the grant of bail. She, however, does not deny the fact that the petitioner is a first-time offender, in custody since 13.10.2022 and none of the 12 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is a first-time offender. He is in custody since 13.10.2022 and none of 12 prosecution witnesses have been examined so far. In the cases of ***Gursewak Singh @ Sebi (supra)***, ***Hardesh Rani @ Motto (supra)*** and ***Gagandeep (supra)***, this Court had granted the concession of bail to the petitioners therein as the recovery in each case was marginally above the commercial quantity of 250 grams.

8. Thus, without commenting upon the merits of the case, the

present petition is allowed and the petitioner, namely, Baldev Singh is

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ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case except the present one.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

( JASJIT SINGH BEDI)  
JUDGE

March 16, 2023  
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No